-CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.09/2006.

Jaipur, this the 10th day of January, 2006.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.

Parmanand Gothwal
S/o Shri Shiv Ram Gothwal,
Aged about 34 years,
R/o Outside Bhagshnan Ki mori, Gandhi Chowk,
Jaipur.

... Applicant.

By Advocate : Shri P. N. Jatti.

Vs.

1. Union of India
Through Secretary to the Govt. of India,
Ministry of Finance,
Department of Revenue,
New Delhi.

2. The Chief Commissioner Income Tax,
Central Revenue Building, Bhagwan Das Road,
Statue Circle,
Jaipur.

3. The Commissioner Income Tax-I,
Bhagwan Das Road, Statue Circle,
Jaipur.

... Respondents.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for the following reliefs :-

"8.1 That by a suitable writ order or the direction the respondents be directed to grant bonus to the applicant for the years 1998-99 to 2004-2005.

8.2 Any other relief which the Hon'ble Bench deems fit."

2. The brief facts of the case are that the applicant was engaged as Casual Labour by the respondents. It is case of the applicant that he was engaged in that capacity in 1995 and he has completed 3 years of service on 1998. Learned Counsel for the applicant submitted that the Government of India, Ministry of Finance has issued Memorandum for every accounting year thereby conveying the sanction of the President of India to the grant of Non Productivity Linked Bonus (Ad hoc Bonus) equal to 30 days emoluments to Central government employees in Group C & D category and of non Gazetted employees in Group-B, who are not covered by the Productivity Linked Bonus Scheme on the terms and conditions mentioned therein. A copy of one of such OM has been placed on record as Annexure A/3. Learned Counsel for the applicant further argued that as per Condition No.3 of the terms and condition, the Casual Labour who has worked at least for 240/206 days for each year, for three years, has also been made eligible for this Non Productivity Linked Bonus (Ad hoc Bonus). It is further stated that the representation has been made to the Chief Commissioner, Income Tax (Respondent No.2) for the grant of Bonus for the year 1998-99 to 2004-2005. But despite such representation, no such bonus has been paid to the applicant. The applicant has placed copy of the representation dated 8.11.2005 on record.

3. I have heard the Learned Counsel for the applicant at admission stage. I am of the view that the present OA is pre-mature at this stage. The applicant has made representation regarding grant of Bonus in terms of Government of India, Ministry of Finance OM only on 8.11.2005 and representation is still pending. In terms of the provisions contained in Administrative Tribunals Act, 1985, the representation shall be deemed to have been rejected if no decision is taken within six months and it is only thereafter that the aggrieved person can file OA. However, without entering into the merit of the case and keeping in view the facts and circumstances of this case, I am of the view that the matter can be disposed of at the admission stage by giving suitable direction to Respondent No.2 to decide the representation of the applicant dated 8.11.2005 (Annexure A/1).

4. Accordingly, Respondent No.2 is directed to decide the representation of the applicant within a period of two months from the date of receipt of a copy of this order. In case the representation of the applicant is rejected, Respondent No.2 shall give the detailed reasons for rejecting the same.

5. With these observations, the OA is disposed of at admission stage.

(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./