CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

21.02.2014

OA No. 291/00119/2014

Mr. P.N. Jatti & Mr. B.K. Jatti, Counsel for applicant.

Heard the learned counsel for the applicant. The OA is disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

ahq

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

Jaipur, the 21st day of February, 2014

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

1. ORIGINAL APPLICATION NO. 291/00112/2014

Shiv Shankar Gupta son of Shri Surajmaj Gupta, aged about 30 years. Resident of Plot No. 24, Chandrashekhar Azad Meena Colony, Outside Gangapole Gate, Scheme No. 3, Jaipur. Presently working as Casual Labour Group 'D' in the office of Chief Commissioner of Income Tax, Statue Circle, Jaipur.

... Applicant

(By Advocate: Mr. P.N. Jatti and Mr. B.K. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR, Building, Statue Circle, Jaipur.

... Respondents

(By Advocate: ----------

2. ORIGINAL APPLICATION NO. 291/00114/2014

Natthu Ram Sharma son of Manohar Lal Sharma, by caste Sharma aged about 39 years, resident of Village and Post Jainourbas, Tehsil Behror, District Alwar. Presently working as Casual Labour Group 'D' in the office of Chief Commissioner of Income Tax Office, Behror Alwar.

... Applicant

(By Advocate: Mr. P.N. Jatti and Mr. B.K. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR, Building, Statue Circle, Jaipur.
3. Income Tax officer, Behror, Alwar.

... Respondents

(By Advocate: ----------

3. ORIGINAL APPLICATION NO. 291/00115/2014

Brijmohan son of Ramendra aged about 40 years, resident of House No. 17, Badodiya Basti Near Panchayati Dharamshala, Railway Station, Jaipur. Presently working as Casual Labour Group 'D' in the office of Income Tax Tribunal, Jaipur.

... Applicant

(By Advocate: Mr. P.N. Jatti and Mr. B.K. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR, Building, Statue Circle, Jaipur.
3. Income Tax Tribunal, Jaipur.

... Respondents

(By Advocate: ----------

4. ORIGINAL APPLICATION NO. 291/00116/2014

Rajendra Sharma son of Shri Ramji Lal Sharma, aged about 30 years, resident of Village and Post Dayalpura, Vatika, Tehsil Sanganer, Jaipur. Presently working as Casual Labour Group 'D' in the office of Chief Commissioner of Income Tax, Statue Circle, Jaipur.

... Applicant

(By Advocate: Mr. P.N. Jatti and Mr. B.K. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2 Chief Commissioner of Income Tax, NCR, Building, Statue Circle, Jaipur.

... Respondents

(By Advocate: ----------

5. ORIGINAL APPLICATION NO. 291/00117/2014

Nemi Chand son of Shri Hanuman Sahai, aged about 42 years, resident of Village Jalsu, Post Jahota, District Jaipur (Rajasthan). Presently working as Casual Labour Group 'D' in the office of Commissioner of Income Tax I, Jaipur.

... Applicant

(By Advocate: Mr. P.N. Jatti and Mr. B.K. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR, Building, Statue Circle, Jaipur.
3. Commissioner Income Tax- I, Jaipur.

... Respondents

(By Advocate: ----------

6. ORIGINAL APPLICATION NO. 291/00118/2014

Ashok son of Shri Nathu Lal aged about 37 years, resident of Plot No. 6, Harijan Basti, Near Noorani Masjid, Chandpole Bazar, Jaipur. Presently working as Casual Labour Group 'D' in the office of Commissioner of Income Tax, Computer Operator, Revenue Building, Jaipur.

... Applicant

(By Advocate: Mr. P.N. Jatti and Mr. B.K. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR, Building, Statue Circle, Jaipur.
3. Commissioner Income Tax, Computer Operator, Revenue Building, Jaipur.

... Respondents

(By Advocate: ----------

7. ORIGINAL APPLICATION NO. 291/00119/2014

Hari Prasad Sharma son of Shri Moti Lal Sharma, by caste Sharma, aged about 37 years, resident of Village and Post Tehla, Tehsil Rajgarh, Alwar (Rajasthan). Presently working as Casual Labour Group 'D' in the office of Commissioner of Income Tax (Central) c/o Chief Commissioner Income Tax, Revenue Building, Statue Circle, Jaipur.

... Applicant

(By Advocate: Mr. P.N. Jatti and Mr. B.K. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR, Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (Central), Jaipur.

... Respondents

(By Advocate: ----------

8. ORIGINAL APPLICATION NO. 291/00120/2014

Pratap Singh Rajawat son of Shri Kailash Rajawat, aged about 31 years, resident of 28-Bhairaw Nagar, Old Hatwara Road, Jaipur. Presently working as Casual Labour Group 'D' in the office of Commissioner of Income Tax (Central) c/o Chief Commissioner Income Tax, Revenue Building, Statue Circle, Jaipur.

... Applicant

(By Advocate: Mr. P.N. Jatti and Mr. B.K. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR, Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (Central), Jaipur.

... Respondents

(By Advocate: ----------

9. **ORIGINAL APPLICATION NO. 291/00121/2014**

Satya Prakash Sharma son of Shri Ghanshyam Sharma, aged about 32 years, resident of Plot No. 269, Mansarovar Colony, Jhotwara, Jaipur. Presently working as Casual Labour Group 'D' in the office of Commissioner of Income Tax, Computer Operator, Revenue Building, Jaipur.

... Applicant

(By Advocate: Mr. P.N. Jatti and Mr. B.K. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR, Building, Statue Circle, Jaipur.
3. Commissioner Income Tax, Computer Operator, Revenue Building, Jaipur.

... Respondents

(By Advocate: ----------

10. **ORIGINAL APPLICATION NO. 291/00122/2014**

Suresh Atal son of Late Shri laxminarain Atal, by caste Atal, aged about 40 years, resident of Plot No. 3149, Raigaron Ki Kothi, Ghat Gate, Jaipur. Presently working

as Casual Labour Group 'D' in the office of Commissioner of Income Tax Audit c/o Chief Commissioner Income Tax, Revenue Building, Statue Circle, Jaipur.

... Applicant

(By Advocate: Mr. P.N. Jatti and Mr. B.K. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR, Building, Statue Circle, Jaipur.
3. Commissioner Income Tax Audit Jaipur.

... Respondents

(By Advocate: ----------

ORDER (ORAL)

Since the controversy involved in all these ten OAs is the same, therefore, these OAs are being disposed of by a common order. The facts of OA No. 291/00112/2014 (Shiv Shankar Gupta vs. Union of India & others) have been taken as a lead case. The applicant in this OA has prayed for the following reliefs:-

"(i) That by a suitable writ/order or the directions, the impugned order dated 31.07.2013/01.08.2013 be quashed and set aside.

(ii) That by a suitable writ/order or the direction the respondents be directed to pay the amount of daily wages as Rs.292/- per day instead of Rs.164/- w.e.f. 01.06.2011.

(iii) That it is further prayed that by a suitable writ/order or the direction the respondents be directed to pay the arrears of per day wages with the rate of Rs.292/- per day with effect from 01.06.2011 and onwards.

(iv) Any other relief which the Hon'ble Bench deems fit."

2. The brief facts of the case, as stated by the learned counsel for the applicant, are that the applicant has been working in the office of the respondents w.e.f. 01.01.2008. He was engaged by the respondent-department as Casual Labour Group 'D' for eight hours a day.

3. That the applicant was being paid daily wages @ Rs.292/- per day but vide order dated 31.05.2011, the wages of the applicant were reduced from Rs.292/- to Rs.164/- per day.

4. The co-workers of the applicant have filed OAs against this order and the Hon'ble Central Administrative Tribunal, Jodhpur and Jaipur Benches have passed the order in favour of the co-workers. As per the directions of the Central Administrative Tribunal, Jodhpur and Jaipur Bench, the respondents have also passed the order dated 18.03.2013 in which the daily wages have been revised to Rs.292/- per day.

5. The learned counsel for the applicant submitted that since the order dated 31.05.2011 vide which the daily wages were reduced from Rs.292/- to Rs.164/- per day has been quashed & set aside by the Central Administrative Tribunal, Jodhpur as well as Jaipur Bench then the applicants are also entitled for similar wages i.e. Rs.292/- per day. The applicant filed an OA No. 350/2013 for payment of daily wages of

Rs.292/- plus arrears. The Hon'ble Central Administrative Tribunal vide its order dated 06.05.2013 directed the respondents to decide the representation of the applicant dated 16.04.2013 considering all the facts mentioned in the OA, by passing a reasoned & speaking order according to the provisions of law expeditiously but not beyond the period of three months from the date of receipt of a copy of this order. The representation of the applicant has been rejected by the respondents vide their order dated 31.07.2013/01.08.2013 (Annexure A/1). Being aggrieved by this rejection order, the applicant has filed the present OA.

6. Heard the learned counsel for the applicant and perused the documents on record. The learned counsel for the applicant submitted that the respondents had filed DB Civil Writ Petitions No. 49/2013 and others before the Hon'ble High Court of Rajasthan (Jodhpur Bench) being aggrieved by the order passed by the Central Administrative Tribunal, Jodhpur Bench dated 14.08.2012. These Writ Petitions have been dismissed vide order dated 22.08.2013. However, the respondents have also filed the Writ Petition against the order of this Tribunal of the similar nature and that this Writ Petition is pending before the Hon'ble High Court of Rajasthan, Jaipur Bench.

7. The last two Paras of the rejection order of the representation filed by the applicant dated 31.07.2013/01.08.2013 are quoted below:-

> "I am further directed to state that the order dated 17.10.2012 of Hon'ble CAT, Jaipur, wherein the Hon'ble CAT has quashed the order dated 31.05.2011, has been further challenged by the Department before Hon'ble Rajasthan High Court, Jaipur by way of filing writ petition alongwith stay petition.
>
> In view of the facts mentioned above, your request for enhancing the wages and to grant arrears is not acceptable at this juncture, till the final outcome of the writ petition and stay petition pending before the Hon'ble Rajasthan High Court, Jaipur."

8. The respondents have themselves stated that this matter is pending before the Hon'ble Rajasthan High Court, Jaipur Bench and this fact has been admitted by the learned counsel for the applicants. Therefore, in view of the fact that the order of the Central Administrative Tribunal vide which the order of the respondents dated 31.05.2011 was quashed is pending consideration before the Hon'ble Rajasthan High Court, Jaipur Bench at this stage no relief can be granted to the applicants. However, it is made clear that the respondents would take a final decision about the payment of wages of the applicants in these OAs after the decision of the Hon'ble Rajasthan High Court, Jaipur Bench in the Writ Petition(s) filed by the respondents within three months from the date of decision of the Hon'ble Rajasthan High Court, Jaipur Bench, Jaipur. The applicants would be at liberty to challenge the decision of the respondents, if they are aggrieved by their decision.

9. In OA No. 291/00120/2014 (Pratap Singh Rajawat vs. Union of India & Ors.), the representation of the applicant has been rejected on the ground that the applicant was not a petitioner in the OAs filed either before the Central Administrative Tribunal, Jodhpur Bench or before Jaipur Bench. It is made clear that after the decision of the Hon'ble Rajasthan High Court, Jaipur Bench, Jaipur, the applicant's case would also be considered in terms of the decision of the Hon'ble Rajasthan High Court, Jaipur Bench, Jaipur, if the applicant is similarly situated.

10. With these observations, the Original Applications are disposed of with no order as to costs at the admission stage itself.

11. The Registry is directed to place the copy of this order in the respective files.

12. Since the notices have not been issued to the respondents, therefore, the Registry is directed to send the copy of this order alongwith the paper book of the OAs to the respondent no. 2 within seven days from today.

(Anil Kumar)
Member (A)

AHQ

copy given vide
Mem 175 To 194
25/2/14