

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00771/2016

DATE OF ORDER: 20.10.2016

CORAM

HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Nitish Kumar S/o Hanuman Prasad, aged about 24 years, R/o 65/135, Heerapath, Mansarovar, Jaipur, presently working as Group 'D' in the o/o Principal Chief Commissioner, Income Tax, Range-I, I.T.O. ward-1(2), Revenue Building, Statue Circle, Jaipur.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Revenue, Ministry of Finance, New Delhi.
2. Principal Chief Commissioner, Income Tax, Revenue Building, Statue Circle, Jaipur.
3. Income Tax Officer, Ward-1(2), o/o Principal Chief Commissioner, Income Tax Range-I, Revenue Building, Statue Circle, Jaipur.

....Respondents

ORDER

This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 for correct payment of the wages as casual labour, seeking the following reliefs: -

"8.1. That it is humbly prayed that as per the order dated 31/12/2015 and 8/3/2016 the applicant is eligible for the wages as has been allowed in the above mentioned orders but the same have not been allowed to the applicant therefore, by a suitable writ/order or the directions the respondents be directed to draw the wages as per the order dated 31/12/2015 and 8/3/2016 with effect from the date of joining of the applicant.

8.2 That by a suitable writ order or the directions the applicant be allowed the differences of the wages with effect from the date of joining as the less payment has




been made to the applicant and a justifiable interest be also allowed over the payment of the differences.

8.3 That by a suitable writ/order or the directions the respondents be directed not to dispense with the services of the applicant.

8.4 Any other relief which the Hon'ble bench deems fit."

2. When the matter came up for consideration at admission stage, Shri P.N. Jatti, learned counsel for the applicant, submitted that vide Annexure A/3 order dated 31.12.2015 issued by the office of the Principal Chief Commissioner of Income Tax, Rajasthan, Jaipur, daily wages for matriculate workers and daily wages for non-matriculate workers have been fixed from 01.07.2008. Counsel for the applicant submitted that the applicant was engaged in the department with effect from 01.08.2012, and is a graduate as may be seen from Annexure A/5, and therefore he is entitled to the daily wages as fixed for matriculate workers, but he is being paid daily wages less than what has been fixed vide Annexure A/3 order dated 31.12.2015.

3. In this regard, counsel for the applicant further submitted that the applicant has also filed a representation as at Annexure A/1 dated 15.07.2016 before the respondent no. 2 to pay the wages as per order dated 31.12.2015 but payments have not been made accordingly, and the representation has also not been decided so far. Counsel for the applicant, therefore, submitted that the applicant will be satisfied if a direction is given to the respondents to consider and decide the representation of the applicant as at Annexure A/1 within a stipulated time by a reasoned and speaking order keeping in view the order dated 31.12.2015 (Annexure A/3).



4. In view of the submissions made by the counsel for applicant, it is deemed appropriate to dispose of this O.A. at the admission stage itself, without going into the merits of the case, lest it prejudice the case of either side, with the direction to the respondent no. 2 to consider and decide the representation of the applicant as at Annexure A/1 dated 15.07.2016 in accordance with law keeping in view the order dated 31.12.2015 (Annexure A/3) by passing a reasoned and speaking order and communicate the same to the applicant at the earliest and preferably within a period of three months from the date of receipt of a copy of this order.

5. The applicant is also directed to submit a copy of this order along with a copy of paper book of the OA before the respondent no. 2 within a period of two weeks from today.

6. If after the decision of the respondents on the representation of the applicant any grievance remains, the applicant would be at liberty to approach the appropriate forum as per law.

7. In view of the limited relief being granted, the requirement of issuing of notices to the respondents is dispensed with.

The Original Application is disposed of as above with no order as to costs.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER