

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT INDORE

Original Application No. 492 of 2006

Indore, this the 28th day of July, 2006

Hon'ble Shri Justice B. Panigrahi, Chairman
Hon'ble Dr. G.C. Srivastava, Vice Chairman

Ashok Kumar Dubey,
S/o. Shri Laxmi Prasad Dubey,
Aged 38 years, Occupation Nil,
R/o. : Netram Ka Bagicha, Azad Nagar,
Musakhedi Road, Indore (MP). ... Applicant

(By Advocate - Shri C.B. Patne)

V e r s u s

1. The Union of India,
through Secretary to the Govt. of
India, Ministry of Revenue,
New Delhi.
2. The Commissioner of Income Tax
(Range-I), CGO Complex, White Church
Road, Indore (MP).
3. Shri Prakash, Photocopy Operator,
Office of the Senior Authorised
Representative, Income Tax Appellate
Tribunal, CGO Complex, White Church
Road, Indore (MP). ... Respondents

O R D E R (Oral)

By Justice B. Panigrahi, Chairman -

Heard learned counsel appearing for the applicant.

2. In this case the applicant has claimed to have worked as a Daily Wager on and from 27.11.1995. But he was not engaged from 1.12.1998. He submitted a representation on 21.12.1998 to the Chief Commissioner of Income Tax, Bhopal but since the respondents did not take any action on such representation, he has filed this case seeking the direction to regularise his services and issue provisional appointment letter.
3. A striking feature to be noted in this case is in the event the applicant's claim is ~~disputed~~ ^{that} to be considered, not even a scrap of

paper is attached to the application showing that he was engaged from 1995. Added to it even assuming that he was engaged from 1995 to 1998 we failed to understand why he keep quite from 1998 till today without approaching the Tribunal claiming regularisation. In the case of a person who is engaged for more than 240 days in a year, the burden is on him to prove such fact. Since there has been no document whatsoever filed by the applicant, we are unable to accept the plea taken by the applicant. Added to it, we also find that the applicant has been disengaged from 1998 and no action has been taken till today. The application is therefore barred under Section 21 of the Administrative Tribunals Act.

4. Viewing the case of the applicant from any angle, we find that there is no merit in this case and it is accordingly dismissed.

General
(Dr. G.C. Srivastava)
Vice Chairman

Present
(B. Panigrahi)
Chairman

"SA" पृष्ठांकन सं ओ/व्या..... जबलपुर, दि.....
वित्तिनिधि राज्य भित्ति:-
(1) संस्थित, उत्तर प्रदेश राज्य वित्तीय बोर्ड, जबलपुर
(2) आमदानी श्री/स्त्री राज्य वित्तीय बोर्ड, जबलपुर
(3) प्रदाता श्री/स्त्री, जबलपुर, जबलपुर
(4) योगदान, राज्य वित्तीय बोर्ड, जबलपुर
सुचना एवं प्राप्यशब्द का अर्थ

C.B. P. S. T.
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B. P. S. T.

18/8/06
उप रजिस्ट्रार

18/8/06