

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH, JABALPUR.

O.A No. 226/2003

Jabalpur, this the 4th July 2003

Hon'ble Mr. D.C.Verma, Vice Chairman (J)
Hon'ble Mr. A.K.Bhatt, Member (A)

1. Leena Jain
D/o. K.K.Jain
Block 22/22, Old Subhash Nagar,
Bhopal.
2. Sharda Prasad Yadu
New Qutrs. III/55, Income Tax Colony,
Katra Sultanabad,
Bhopal.
3. Mrs. Sunita Bhivnani (Takchandani)
C/o. Shri Kankaiya Bhivnani
Gilmohar Appartment Flat No. G-3,
Near Nirmal Nursery Bairagarh
Bhopal.
4. Mrs. Shrilata Nair,
Ashirwad Bhawan Padamnbh Nagar
Near Subhas Nagar Railway Crossing
Gondipura, P.O. Bhopal. Applicant

(Advocate : Mr. M.N.Banerjee)

VERSUS.

1. Cheif Commissioner of Income Tax,
Office of the Cheif Commissioner of
Income Tax, Opp. Central India Flower
Mill, Houshangabad Road, Bhopal.
2. Chairman, Central Board of Direct
Taxes, New Delhi.
3. Union of India,
Through the Secretary, Ministry of
Finance, Department of Revenue,
New Delhi. Respondents



O R D E R (ORAL)

Per : Hon'ble Mr. D.C.Verma, Vice Chairman (J)

MA No.423/2003 is for joint petition. MA is allowed.

2. The relief claimed in the OA is that the applicant be considered for regularisation as the respondents have regularised similarly situated persons. Similar relief was also claimed by the present applicants in OA No.89/96. The said OA was decided alongwith the OA No.691/95 by a Division Bench of this Tribunal on 13-11-97. While deciding the said OA, the Tribunal had directed the respondents to consider the applicants by extending the benefits and as and when, the department consider for making appointments of persons on regular basis, provided they qualify for the same. Against this Tribunal's order, the respondents have filed a Writ Petition before the Hon'ble High Court. The order of Tribunal has been stayed. Writ Petition is still pending.

3. The submission of the learned counsel for the applicant is that the applicant has sent a representation dated 25-9-2002 (Annexure A-4), but the same is not yet decided by the respondents so a direction be given to consider and take a decision on the said representation as the respondents have regularised the similarly situated persons.

4. We have considered the submission made on behalf of the applicant and in our view, the submission cannot be accepted. The relief claimed in this OA is also for



regularisation. The same relief was claimed by the present applicants in OA No.89/96. A direction was given with regard to the regularisation. Issue is still pending as a decision of the Tribunal has been stayed by the Hon'ble High Court. Consequently, the respondents cannot consider the claim of the applicant for regularisation. Thus, a direction cannot be given to the respondents to dispose of the representation.

5. In view of the above, the OA is dismissed. It will be, however, open to the applicant to pursue the matter after Hon'ble High Court's decision and as per advise. Cost easy.

A. K. Bhatt
(A. K. Bhatt)

Member (A)

D. C. Verma
(D. C. Verma)
Vice Chairman (J)

NK

पूछावन सं ओ/न्या..... जवलपुर, दि.....
परिविधि आन्दोलन.....
(1) सतीय, उच्च अदायक, अवासल
(2) अवासल, श्री/श्रीमती/द्वीप
(3) उच्चारी श्री/श्रीमती..... अवासल
(4) वंशावल, दो प्राची, अवासल
सूचना एवं आवश्यक दस्तावेज

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