

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

This, the 23rd day of March, 2006

ORIGINAL APPLICATION No. 331/2005

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

Chagan Lal Malhotra,
s/o Shri Ramji Lal Malhotra,
aged about 31 years,
r/o Plot No. A-15,
Hida Ki Mori, Jaipur,
presently working as Chaprasi
Group-D in the Office of the
Commissioner Income Tax,
Jaipur.

.. Applicant

(By Advocate: Mr. P.N.Jatti)

Versus

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

.. Respondents

(By Advocate: Mr. Gaurav Jain)

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O R D E R

Per M.L.Chauhan

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 regularize the services of the applicant as Group ‘D’ or be appointed against the handicapped quota as group ‘D’.
- 8.2 That the humble applicant prays that till regularization the humble applicant be treated as temporary status holder/contingent paid group ‘D’ of the Department and be allowed to work as it is till the regularization.
- 8.3 That as in 1996 as per Annexure A/ 38 vacancies of Group ‘D’ were notified by notification dated 29.11.1996 and again in 1998 22 vacancies were notified and presently by the notification dated 30.01.2005 seven (7) vacancies have been notified in total 67 sixty seven vacancies have been notified and filled up by the respondents but no vacancy for handicapped has been notified while three vacancies be notified on the part of the handicapped person. Therefore the respondents be directed to regularize/appoint against the handicapped quota by notifying the vacancy against handicapped quota from the vacancies which have been notified on 30.01.2005.
- 8.4 That as a good no. of casual have been working since long under the respondents. Therefore the respondents be directed to prepare the seniority list of the casual labour and the services of the casual labours be regularized as per seniority cum fitness.
- 8.5 Any other relief which the Hon’ble Bench deems fit.”

2. In sum and substance, the case of the applicant is that he has rendered a long service as Casual Labourer in the Income Tax Department, as such, he should be conferred temporary in terms of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993 and also his services may be regularized in Group-D post.

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3. Both these issues were subject matter of dispute in OA No. 329/2005, Hari Prasad vs. Union of India and ors., decided by this Tribunal on 23.03.2006 whereby this Tribunal held that Casual Labourers who were engaged on contingency basis after promulgation of the aforesaid scheme of 1993 are not entitled to conferment of temporary status and further it was held that such Casual Labourers are not entitled to regularization of their services in Group-D categories which posts have to be filled up as per provisions contained in the recruitment rules. However, this Tribunal, keeping in view the fact that such contingent Casual Labourers are working with the Department for the last so many years and work is still available with the Department, limited directions were given to the respondents to continue to engage the applicants, if the work of the nature which the applicant performed is still available with the respondents and also that the case of the applicant for appointment against Group-D category(ies) shall be considered alongwith other persons by giving relaxation in age for a period of service rendered by him in the capacity as Casual Labourer.


4. The reasoning given by this Tribunal vide judgment dated 23.03.2006 in OA No.329/2005 is

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mutatis-mutandis applicable in the facts and circumstances of this case. As regards the additional plea taken by the applicant that since 1996 the respondents have notified 67 vacancies in Group 'D' category, but no vacancy has been notified for handicapped quota, the applicant has not laid down any foundation and basis which may entitle the applicant for grant of said relief. As such, this question is left open and it will be permissible for the applicant to adjudicate this matter by filing separate OA and disposal of this OA will not come in the way of the applicant for seeking the said relief.

9. Accordingly, the respondents are directed to give the benefit of age relaxation to the applicant to the extent of service rendered by him in the capacity of Casual Labourer. In other words, the services rendered by the applicant as Casual Labourer will be deducted from his maximum age for the purpose of determining eligibility for Group-D post and further the respondents shall continue to engage the applicant if there is sufficient work and other Casual Labourers are still to be employed by the respondents for carrying out the work.

6. With these observations, the OA stands disposed of with no order as to costs.


(M.L. CHAUHAN)
Member (Judicial)

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