IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

This, the 23rd day of March, 2006

ORIGINAL APPLICATION No. 503/2005

CORAM:

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

Bhag Chand Gothwal,
s/o Shri Ram Dhan Gothwal,
aged about 23 years,
r/o Village Israwala, PO Bilonchi
Via Moriya, Distt. Jaipur,
presently working as Group D Peon
in the Office of the
Chief Commissioner Income Tax,
Statue Circle,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-II,
O/o Chief Commissioner Income Tax,
Statue Circle,
Jaipur.

.. Respondents

(By Advocate: Mr. Gaurav Jain)

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.
> (a) To regularize the services of the applicant as Group 'D' Peon, Chowkidar etc.
> (b) That as the humble applicant is contingent paid casual labour, therefore, be treated as the other contingent paid and the temporary status be allowed to the applicant and the services of the applicant be continued.
> 8.2 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.

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 mutatis-mutandis applicable in the facts and circumstances of this case.

5. 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)

R/