

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

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ORDERS OF THE TRIBUNAL

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1.12.2006

OA 281/2006

Reply  
filed

Mr. P. N. Jatti, counsel for applicant.  
Mr. Gaurav Jain, counsel for respondents.

Learned counsel for the respondents prays for two weeks time to file reply. Prayer granted.

Let the matter be listed on 11.1.2007.

Rejoinder  
not filed

W.P. SHUKLA  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

vk

11.1.2007

Mr. P. N. Jatti, Counsel for applicants  
Mr. Gaurav Jain, Counsel for respondents

For the reasons dictated separately,  
the DA is allowed.

  
(J.P. Shukla)  
M (A)

  
(M.L. Chauhan)  
M (A)

N IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

*Jaipur, the 11<sup>th</sup> day of January, 2006*

**ORIGINAL APPLICATION NO. 281/2006**

**CORAM :**

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Kapil Kumar Sharma,  
Casual Labour in the O/o  
Chief Commissioner Income Tax,  
Revenue Building, Statue Circle,  
Jaipur.

By Advocate : Shri P.N.Jatti

... Applicant

Versus

1. Union of India  
Through Secretary,  
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 Income Tax,  
O/o Chief Commissioner Income Tax,  
Statue Circle,  
Jaipur.

By Advocate : Shri Gaurav Jain

... Respondents

**ORDER (ORAL)**

The applicant has filed this OA thereby praying that by a suitable writ/order or direction to the respondents that services of the applicant be regularised as Group-D Peon/Chowkidar etc., as also the applicant being a contingent paid casual labour be treated at par with other contingent paid casual

labourers and temporary status be allowed to him and services of the applicant be continued.

2. Heard the learned counsel for the parties. Learned counsel for the parties are at ad-idem that this matter would be covered by the decision rendered by this Tribunal in OA 329/2005, **Hari Prasad Sharma v. Union of India & Ors.**, decided on 23.3.2006, whereby this Tribunal after noticing the decisions of the Apex Court and after considering the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993, held that the applicant is not entitled for regularisation of his services in Group-D as also that the applicant is not entitled to grant temporary status in terms of the Scheme, 1993.

3. However, for the parity of the reasons given in the order dated 23.3.2006, passed in the case of Hari Prasad Sharma (supra), this OA is also disposed of in terms of the aforesaid order/judgement with the limited direction to the respondents that the respondents shall continue to engage the applicant if the work of the nature which the applicant performed is still available with them and also that the case of the applicant for appointment against Group-D category shall be considered alongwith the other persons by giving relaxation in age for a period of service rendered by the applicant in the capacity of casual labour. In other words, the service rendered by the applicant as casual labour 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.

4. In view of the observations made hereinabove, the present OA stands disposed of. No order as to costs.



(J.P.SHUKLA)  
MEMBER (A)



(M.L.CHAUHAN)  
MEMBER (J)

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