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17.4.02

Mr. P.N. Jatti, counsel for applicant.

Mr. Ganan Jain, counsel for respondents.

Heard the learned counsel
for the parties.

The OA stands disposed of
by a separate order.

Munshi
(P. Phule)
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Jaipur, the 17th April 2007

ORIGINAL APPLICATION NO. 407//2006

CORAM:

HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER

Jetendra Singh son of Shri Rewat Singh by caste Rao aged about 32 years, resident of E-46, Mazdoor Nagar, Ajmer Road, Jaipur. Presently working in the office of the Chief Commissioner, Income Tax, CIT-II, Range-6, Ward 6/1, 6/4 Presently in 4/3.

By Advocate: Mr. P.N. Jatti.

.....Applicant

Versus

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

By Advocate: Mr. Gaurav Jain

.....Respondents

ORDER (ORAL)

Heard the learned counsel for the parties. The controversy involved in the present case has already been resolved by this Tribunal in OA No. 281/2006, Kapil Kumar Sharma vs. Union of India & Others, decided on 11.01.2006 wherein the applicant therein had also prayed for regularizing his services on Group 'D' post and has also prayed for grant of temporary status. This Tribunal declined to grant the prayer of the applicant therein for regularizing his services on Group 'D' post but directed the

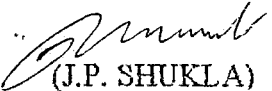
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respondents to continue the applicant if the nature of the work which he was performing, was available with them. This Tribunal in Para No. 3 as observed as under:-

"3. However, for the parity of the reasons given in the order dated 23.03.2006, 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, services rendered by the applicant as casual labour will be deducted from the 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 by this Tribunal in OA No. 281/2006, which is squarely covered by the present case, I am of the opinion that the applicant of the present case should also be granted the same relief. Accordingly, this OA is also disposed on the same observations as made by this Tribunal in OA No. 281/2006 (supra). No costs.

AHQ


(J.P. SHUKLA)
MEMBER (J)