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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL


9.1.2007


OA 93/2006

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

Learned counsel for the applicant prays for
adjournment.

Let the matter be listed on 11.1.2007.

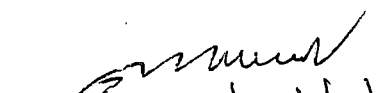

(J.P. SHUKLA)
MEMBER (A)



(M.L. CHAUHAN)
MEMBER (J)

Vk

11.1.2007

Mr. P.N. Jatti, Counsel for applicant
Mr. Gaurav Jain, Counsel for respondents
For the reasons dictated separately,
the OA is disposed of.


(J.P. Shukla)
M(A)


(M.L. Chauhan)
M(J)

OA 93/06

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

Jaipur, the 11th day of January, 2007.

CORAM :

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

1. ORIGINAL APPLICATION NO.91/2006

Om Prakash Sharma,
Casual Labour in the O/o
Chief Commissioner Income Tax-I,
NCR 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-I,
Statue Circle,
Jaipur.

By Advocate : Shri Gaurav Jain

... Respondents

2. ORIGINAL APPLICATION NO.93/2006

Nawal Sen,
Casual Labour in the O/o
Chief Commissioner Income Tax-I,
NCR 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.
4. Commissioner Income Tax-I,
Statue Circle,
Jaipur.

By Advocate : Shri Gaurav Jain

... Respondents

ORDER (ORAL)

By this common order we propose to dispose of both these OAs as common question of fact and law is involved.

2. In both these OAs the applicants, who are casual labourer, have prayed that a direction be given to the respondents to regularise their services as Group-D Peon/Chowkidar etc. and also that they be treated at par with the other contingent paid casual labourers and since the work is available with the respondents, they be directed to allot the work to the applicants.

3. 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. So far as the question of re-engagement of services of the applicants is concerned, learned counsel for the applicants while drawing our attention to para 4.6 of the reply-affidavit has

submitted that services of the applicant in OA 91/2006 were disengaged in September, 2004 and in respect of the applicant in OA 93/2006, in January, 2004 as the work and conduct of the applicants was not found satisfactory and upto the mark and as such they cannot be re-engaged.

4. The applicants have not filed any rejoinder to the reply filed by the respondents. Thus, for the parity of the reasons given in the order dated 23.3.2006, passed in the case of Hari Prasad Sharma (supra), both these OAs are dismissed. Since the services of the applicants were disengaged as their work and conduct was not found satisfactory, We do not propose to make any observation regarding re-engaging the applicants on the work of the nature they were performing, in case the same is still available with the respondents. However, it will be open for the applicants to make representation to the respondents thereby re-engaging them and in case the respondents consider it appropriate to re-engage the applicants, disposal of this OA will not come in the way of the respondents to pass such order. However, the applicants shall be entitled to the limited relief to the extent that services rendered by them as casual labour with the respondent department will be deducted from their maximum age for the purpose of determining eligibility for Group-D post.

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)