

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

10.07.2008

OA No.177/2008

Mr. P.N.Jatti, counsel for applicant

Mr. Gaurav Jain, counsel for respondents

Heard the learned counsel for the parties.

For the reasons dictated separately, the OA stands disposed of.


(B.L.Khatri)
Admv. Member


(M.L.Chauhan)
Judl.Member

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 10th day of July, 2008

ORIGINAL APPLICATION No.177/2008

CORAM:

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

Hari Prasad Sharma
s/o Shri Madho Lal Sharma
r/o 413, 10-8, Gopalpura By Pass,
Triveni Nagar, presently working as
Group-D Casual Labour
in the office of the Assistant Commissioner
Income Tax NCR Building, Jaipur

.. Applicant

(By Advocate: Shri 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 Income Tax, Central Revenue Build, Bhagwan Dass Road, Status Circle, Jaipur
3. Sr. P.K.Sharma, Commissioner, Income Tax (Headquarter), Revenue Building, Statue Circle, Jaipur
4. Mr. Suresh Chand s/o Shri Buddha Ram O/o Commissioner, Income Tax Central Circle-II, Revenue Building, Statue Circle, Jaipur

... Respondent

(By Advocate: Shri Gaurav Jain)

O R D E R (ORAL)

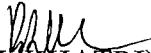
The applicant has filed this OA thereby praying that direction may be given to the respondents not to dispense with the services of the applicant and not to replace him with other casual labour.

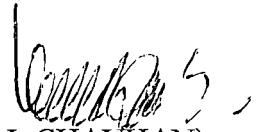
2. The grievance of the applicant in this OA was that despite direction given by this Tribunal vide judgment dated 23.3.2006 in the case of the applicant, respondent No.3 has engaged one Shri Suresh Chand s/o Buddha Ram as casual labour thereby replacing services of the applicant. Based on this submission made by the learned counsel for the applicant, this Tribunal while issuing notices, issued interim order that in case the fact disclosed by the applicant and as noticed above is true, the respondents shall permit the applicant to perform the work which he was doing prior to 8.5.2005.

3. The respondents have filed reply. In the reply, the respondents have categorically stated that the applicant was working at the office of ACIT (Central Circle-2) and the department has not appointed Shri Suresh Chand s/o Shri Buddha Ram as casual labour. It is further stated that representation submitted by the applicant vide Ann.A1 has been received in the office on 19th May, 2008 and on the same date it has been disposed of and the applicant has been informed vide letter dated 19.5.2008 (Ann.R2) in which it has been

recorded that any new man has not been replaced on daily wages basis at ACIT (Central Circle-2).

4. In view of what has been stated above, we are of the view that the OA filed by the applicant was based on apprehension and no further order is required to be passed in this OA, which is accordingly disposed of with no order as to costs.


(B.L.KHATRI)
Admv. Member


(M.L.CHAUHAN)
Judl.Member

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