(84) OA. 28/10

Central Administrative Tribunal
Jaipur Bench,

Jaipur, this the 18th March, 2010

CORAM:

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

1. OA No. 27/2010 with MA No. 72/2010

Kamal Kumar Soni S/o Shri Prabhu Dayal aged about 34 years, r/o Plot No.621, Devi Nagar, N.S.Road-Sodala, Jaipur, presently working as Computer Operator, Group D Casual Labour, in the office of the Director of Income Tax H.Q. (Investigation) N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

2. OA No.28/2010 with MA No. 71/2010

Mahesh Nalawat S/o Shri Ram Dayal aged about 34 years, r/o Plot No.236, Gopalpura by pass, Jaipur, presently working as Peon-Group D Casual Labour, in the office of the Director of Income Tax (Investigation) N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

3. OA No.29/2010

Rameshwar Prasad Sharma S/o Kalyan Prasad Sharma, aged about 23 years, r/o Village and Post Ratlya The Sanganer, presently working as Computer Operator, Group D Casual Labour, in the office of the Income Tax Office H.Q.(Investigation) N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

4. OA No.31/2010 with MA No.70/2010

Om Prakas S/o Lallu Ram aged about 35 years, r/o A-31 Sen Colony ,Kabir Marg, Power House Road, Jaipur, presently working as Peon-Group D, in the office of the Director of Income Tax (C.I.B.) N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, C.I.B. (Central Information Branch), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

5. OA No. 32/2010 with MA No. 74/2010

Amit Sharma S/o Ramswaroop Sharma, aged about 28 years, r/o 14/81, Shipra Path Mansarowar, Jaipur, presently working as Computer Operator Group D Casual Labour, in the office of the Deputy Director of Income Tax (Investigation) N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

6. OA No.33/2010

Tulsi Ram S/o Paras Ram aged about 38 years, r/o Chowki Hajuri Topkhana, H.No. 3380 Ghat Gate Jaipur, presently working as Peon-Group D Casual Labour, in the office of the Assistant Commissioner of Income Tax (C.I.B.) N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, C.I.B.(Central Information Branch), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

7. OA No.34/2010 with MA No.75/2010

Chiranjeev Thapa S/o Shri B. Chandra Thapa, aged about 33 years, r/o A-7, Shyam Nagar- Sodala, Jaipur, presently working as Peon-Group D Casual Labour, in the office of the Commissioner Income Tax (Central Appeal) N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, (Investigation), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

8. OA No.35/2010 with MA No.76/2010

Sanjay Sharma S/o Shri Shankar Lal Sharma, aged about 31 years, r/o Krishna Colony Mrija Road, House No. 10, Chomu, presently working as Peon- Group D Casual Labour, in the office of the Director of Income Tax (Inv.) HQ, N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, (Investigtion), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

9. OA No.36/2010 with MA No.77/2010

Bhanu Prakash Sen S/o Ramesh Kumar Sen, aged about 24 years, r/o 181, Arjun Nagar, Durgapura, Jaipur, presently working as Computor Operator Group D, in the office of the Director of Income Tax (Investigation) H.Q. N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, (Investigation), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

10. OA No.37/2010 with MA No.78/2010

Suresh Chand Seni S/o Buddha Ram Seni aged about 30 years, r/o C-17 Maruti Colony, Dausa, Jaipur, presently working as Peon-Group D Casual Labour, in the office of the Additional Commissioner Income Tax (Central Circle) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, (Investigation) N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

11. OA No.38/2010 with MA No.79/2010

Narendra Kumar Saini S/o Prameshwar Prasad Saini aged about 39 years, r/o P.No. B-156, Keshav Path, Nehru Nagar, Jhotwara Road Jaipur, presently working as Group D Casual Labour, in the office of the Deputy Director General Income Tax (Investigation-II) N.C.R. Building, Statue Circle, 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, (Investigation), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

12. OA No.39/2010

Balveer Singh S/o Sugad Singh aged about 28 years, r/o Agra Road, Purani Chungi, Vardhman Nagar Jaipur, presently working on the post of Peon- Cum Driver Group D, in the office of the Director General , Income Tax (Investigation)

..... 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, (Investigation) , N.C.R.Building. Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

13. OA No.40/2010 with MA No.80/2010

Mohd. Hanif S/o Janab Abdul Rehman aged about 24years, r/o P.I.-114, Jalupura-M.D.Road, Jaipur, presently working as Peon- Group D Casual Labour, in the office of the Commissioner Income Tax (Central Appeal) N.C.R. Building, II Floor, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, (Investigation), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

14. OA No.41/2010 with MA No.81/2010

Bhupendra Kumar s/o Shri Hanuman Sahai Mahawar, aged 25 years, r/o H.No.2750, Chowki Hajuri Topkhana, Kothi Koliyan, Patel bhawan, Jaipur, presently working as Computer Operator Group D Casual Labour, in the office of the Commissioner Income Tax (Central Circle) N.C.R. Building, II Floor, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, (Investigation), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

15. OA No.42/2010

Mahendra S/o Kanhiya Lal, aged about 27 years, r/o Barodia Basti, Behind Railway Dharamshala, Jaipur, presently working as Sweeper Group D Casual Labour, in the office of the Director Income Tax (Central Information Branch),N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, (Investigation), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

16. OA No.43/2010 with MA No.82/2010

Mahendra Singh Meena S/o Sh.Kajor Mal Meena aged about 37 years, r/o Village Ramthala, Post Nangal Rajawaton, presently working as Group D, in the office of the Director General, Income Tax (Investigation).

..... 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

17. OA No.44/2010 with MA No.83/2010

Prahlad Kumar S/o Ratan Lal aged about 28 years, r/o Rly. Loco Colony, presently working as Peon- Group D Casual Labour, in the office of the Chief Commissioner Income Tax (Central) N.C.R. Building, Statue Circle 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. Director General of Income Tax (Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Invetigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

18. OA No.45/2010

Narendra Verma S/o Late Shri Pratap Narain aged about 23 years, r/o 328, Kamla Nehru Nagar, Hasanpura-C, presently working as Computer Operator, Group D Casual Labour, in the office of the Income Tax Officer Banking, Cash Transaction-Tax (B.C.T.T.) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

19. OA No.46/2010 with MA No.84/2010

Prakash Kumar S/o Shri Ratan lal, aged about 27 years, r/o Rly. Colony Qutr. No.136 Behind Rly. Station, presently working as Sweeper, in the office of the Drawing Disbursing Officer (Central) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

20. OA No.47/2010 with MA No.85/2010

Dalip Singh Nathawat S/o Hari Singh Nathawat aged about 32 years, r/o D-8 Mahesh Nagar, Jaipur, presently working as Peon-Group D Casual Labour, in the office of the Director of Income Tax (Investigation) H.Q. N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

21. OA No.48 2010

Shimbhu Singh S/o Shri Bhanwar Singh aged about 27 years, r/o B-118, J.P. Colony, Naya Khera, Ambabari, Jaipur, presently working as Peon- Group D Casual Labour, in the office of the Commissioner Income Tax (Central) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

22. OA No.49/2010 with MA No.86 /2010

Arjun Lal Meena S/o Laxminarain Meena aged about 31 years, r/o Shyampura post Mohanpura, Bassi, Jaipur, presently working as Peon- Group D Casual Labour, in the office of the Assistant Commissioner of Income Tax (Central) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

23. OA No.50/2010 with MA No.87/2010

Moti Singh S/o Shri Dudh Singh, aged about 36 years, r/o Jawahr Nagar, Kacchi Basti Tila, Jaipur, presently working as Peon- Group D Casual Labour, in the office of the Commissioner Income Tax (Central Appeal) N.C.R. Building-II, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

24. OA No.51/2010 with MA No.88/2010

Pratap Singh Rajawat S/o Shri Kailash Chandra Rajawat, aged about 28 years, r/o 28, Bheru Nagar, Hatwara Road, Jaipur, presently working as Computor Operator Group D Casual Labour, in the office of the Commissioner of Income Tax (Central) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

25. OA No.52/2010 with MA No.89/2010

Ramphool Meena S/o Shri Birdichand Meena aged about 32 years, r/o Mohanpura Bassi, Jaipur, presently working as Peon- Group D Casual Labour, in the office of the Deputy Commissioner Income Tax (Central) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

26. OA No.53/2010 with MA No.90/2010

Naresh Kumar Gehlot S/o Shri Babu Lal Gehlot aged about 32 years, r/o A-4, Tata Nagar Sastri Nagar, Jaipur, presently working as Peon-Group D Casual Labour, in the office of the Deputy Commissioner Income Tax (Investigation) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

27. OA No.54/2010 with MA No.91/2010

Jitendra Kumar Sharma, S/o Shri Shiv Kumar Sharma, aged about 24 years, r/o B-7 , Krishna Vihar Meena Wala, Sirsi Road, presently working as Computer Operator Group D Casual Labour, in the office of the Deputy Director (Investigation)-III N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

28. OA No.55/2010 with MA No.92/2010

Ram Kishore Meena S/o Girdhri Lal Meena aged about 23 years, r/o Village Kushalpura, presently working as Peon- Group D Casual Labour, in the office of the Deputy Director of Income Tax (Investigation) HQ, N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

29. OA No.56/2010

Rajesh Gujrati S/o Shri Bhanwar Lal Gujrati aged about 22 years, r/o H.No. 128 A, Yagya Shala Ki Bawari, Purani Basti, Jaipur, presently

working as Sweeper Group D Casual Labour, in the office of the Director of Income Tax (Investigation) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax,Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

30. OA No.57/2010 with MA No.93/2010

Laxminarain Meena S/o Late Shri Mohan Dev Meena aged about 30 years, r/o Nahari Ka Naka , Jaipur, presently working as Peon-Group D Casual Labour, in the office of the Deputy Commissioner Income Tax (Central Circle-II.) 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

31. OA No.58/2010 with MA No.94/2010

Satish Kumar Nagar S/o Suresh Kumar Nagar aged about 28years, r/o 173, Chhipaon Ka Mohalla, V.P.P. Kala Dera, presently working as Computer Operator Group D Casual Labour, in the office of the

Deputy Director Income Tax (Investigation-II) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

32. OA No.59/2010 with MA No.95/2010

Radhey Shyam Meena S/o Late Shri Nanu Ram Meena, aged about 30 years, r/o A-383, Bai ji Ki Kothi, Jhalana Doongri-Jaipur, presently working as Peon- Group D Casual Labour, in the office of the Dispersing and Tax Recovery Office, Commissioner Income Tax (Central Circle) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

33. OA No.60/2010 with MA No.96/2010

Vikas Mahur S/o Shri Murari Lal Mahur aged about 23 years, r/o Rishi Galav Nagar, H.No. 402, Street No. 6, Jaipur, presently working as Peon- Group D Casual Labour, in the office of the Additional Director of Income Tax (Investigation)H.Q. 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

34. OA No.62/2010 with MA No.97/2010

Amit Sharma S/o Prem Prakash Sharma, aged about 23 years, r/o A-27 Sen Colony, Power House Road, Bani Park, Jaipur, presently working as Computor Operator Group D Casual Labour, in the office of the Deputy Commissioner of Income Tax (Central Circle-II.) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

35. OA No.63/2010

Verendra Kumar S/o Rambabu Lal aged about 29 years, r/o 2/18 Malvia Nagar, Jaipur, presently working as Computer Operator Group D, in the office of the Director of Income Tax (C.I.B.) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, C.I.B. (Investigation), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

36. OA No.64/2010

Trilok Singh S/o Late Shri Hanuman Singh aged about 39 years, r/o 182, Janta Nagar, Rakdi Sodala, Jaipur, presently working as Peon/Driver - Group D Casual Labour, in the office of the Director of Income Tax (Investigation) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

37. OA No.65/2010 with MA No.98/2010

Laxman Singh S/o Shri Pooranmal aged about 30 years, r/o Plot. No. 94, Green Town, Talent Public School, Dadi Ka Phatak, Jhotwara presently working as Peon- Group D Casual Labour, in the office of the Recovery and Drawing and Dispersing Officer, Income Tax (Central Circle-II) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

38. OA No.66/2010 with MA No.99/2010

Brij Kishor S/o Shri Madan lal aged about 34 years, r/o Vivek Vihar Colony , new Sanganer Road Sodala , Jaipur, presently working as Peon- Group D Casual Labour, in the office of the Deputy Commissioner Income Tax (Central Circle -III.) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, Investigation, N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

39. OA No.67/2010 with MA No.73/2010

Lubheshwar Tiwari S/o Prem Prakas Tiwari aged about 28 years, r/o A-49, Shanker Vihar, Murlipura, presently working as Computer Operator Group D, in the office of the Director of Income Tax (C.I.B.) N.C.R. Building, Statue Circle 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, C.I.B. (Central Information Branch), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

40. OA No.106/2010

Vinod Kumar Solanki s/o Shri Desh Raj Solanki, r/o H.No.1980, Bilala Bhawan, Haldion Ka Rasta, Johri Bazar, Jaipur presently working on the post of Peon Group-D in the office of Director of Income Tax (Central Information Branch), NCR Building, Statue Circle, 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. Director General of Income Tax(Investigation), N.C.R. Building, Statue Circle, Jaipur.

3. Director of Income Tax, C.I.B. (Central Information Branch), N.C.R.Building, Statue Circle, Jaipur.

..... Respondents

(By Advocate:Shri R.B. Mathur & Shri Amit Mathur)

41. OA No. 114/2010

Ram Narayan s/o Shri Chaju Ram r/o V.Sumel Keshav Vidya Peeth, Jaipur, presently working as Peon Group-D Casual Labour in the O/o the Director of Income Tax (Investigation), NCR Building, Statue Circle, 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. Director of Income Tax (Investigation), NCR Building, Statue Circle, Jaipur

3. Director of Income Tax, Investigation, NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur along with Shri Amit Mathur)

ORDER (ORAL)

By this common order, I propose to dispose of these OAs as common question of facts and law is involved.

2. Briefly stated, facts of the case are that the applicants are working on daily wage basis in the respondent department and some of them have worked with the department for the last 10 years. The grievance of the applicants is that the respondents have taken a decision to award a contract for the period 1.2.2010 to 31.7.2010 in respect of the work which was undertaken from them, as can be seen from Ann.A/2 and prayer is made that direction may be given to the respondents to continue to engage the applicants as work is available with the department and respondents may be restrained to engage fresh casual labours for the work done by the applicants. The applicants have also prayed for quashing the letter Ann.A/2 whereby the work which was being performed by the applicants is being executed through the contractor. It may be stated that during the pendency of the OA, the applicants have also moved an application for amendment thereby taking additional plea that the applicants are working against the vacant post of Group-D and on joining the service of contractor, the whole life of the applicants will be ruined and it is further stated that the applicants are not wiling to join service of the

contractor. It has also been averred that in respect of the applicants who have rendered more than 10 years of service, the respondents may be directed to regularize their services by giving relaxation in age and further payment of wages w.e.f. February, 2010 onwards be made to the applicants.

3. Notice of these applications were given to the respondents. The facts, as stated above, have not been disputed except the fact that the applicants are working not against any sanctioned post. The respondents have stated that the applicants were engaged on daily wage basis intermittently as casual labour and payments are being made to them on daily wage basis. The respondents have also placed reliance upon the decision of the Apex Court in the case of State of Karnataka vs. Uma Devi (3), (2006) 4 SCC 1 to state that service of the applicants which was on daily wage basis cannot be regularized. It is stated that payment is neither being made under the head 'salary' nor under the head 'service' but under the head 'miscellaneous office expenses'. The respondents have also stated that the office of the DIT (Inv.) Jaipur, DIT (CIB), Jaipur and CIT (Central), Jaipur have tried to follow the laid down policy enunciated by the Ministry of Personnel etc., Government of India as communicated by several OMs and it was pursuant to such policy decision that the contract was entered into with the identified parties. The respondents have placed on record a copies of the OM dated 23.11.2005, OM dated 7th June, 1988 and subsequent memorandum of the year 1993 and of 6th June, 2002 as Ann.R1 to R4. The respondents have also placed on record a copy of the

memorandum of Govt. of India, Ministry of Finance dated 4th/10th Dec. 2008 (Ann.R/5) to demonstrate that there was continuous deliberations at the highest level to outsource the contingent work and it was pursuant to such policy decision that the contract was entered into and it was considered expedient to engage casual labours through a service provider or contractor at Jaipur office of respondent No. 2 and 3 which is the practice being followed in the offices of the Income Tax Department, New Delhi. The respondents have further stated that as on date there are no sanctioned vacant post in the cadre of Peon, Driver, Gardener, Sweeper in the DGIT (Inv.) Region, DIT (Inv.), Jaipur, DIT (CIB) Jaipur and CIT (Central) and only two vacancies are existing in the cadre of Peon and no vacancy is available in the cadre of Driver and Sweeper and there has never been any sanctioned post of Computer Operator in the Income Tax Department. The respondents have also stated that none of the applicants fulfill the requirement of 10 years service which has to be reckoned from the date when the judgment was rendered by the Apex Court on 10th April, 2006, as such, their service cannot be regularized. The respondents have also taken preliminary objection regarding maintainability of OAs, as according to the respondents, this is not a service matter and this Tribunal has got no jurisdiction to entertain the OAs.

4. I have heard the learned counsel for the parties and gone through the material placed on record.

5. The question which requires my consideration is whether a direction can be given to the respondents to continue to engage

the applicants as casual labour/daily wager even if the respondents have entered into a contract with the contractor for a period w.e.f. 1st February, 2010 to 31st July, 2010 and also that the daily wagers who have completed 10 years of service, their services shall be regularized. According to me, the matter on this point is no longer res-integra and the same stand concluded by the decision rendered by the Division Bench of this Tribunal in OA No.440/2008, Ram Lal Bhati vs. Union of India and another connected matter decided on 11.11.2009 where almost identical issued was involved. At this stage, it will be useful to quota para 3 to 5 of the judgment which thus reads:-

> "3..... In the reply, the respondents have stated that in view of the Ministry letter dated 10.3.2004 appointment of Casual Labour/Daily Wager is totally banned and work of house keeping/contingency work is being got done through contractor w.e.f. 1.1.2005. Therefore, services of part-time Casual Workers were dis-engaged and now all the contingency work is done through contractor w.e.f. 1.1.2005. The respondents have also relied upon the judgment of the Andhra Pradesh High Court in the case of T.Vijay Raj and ors. vs. The Chairman Central Board of Customs and Central Excise, New Delhi, Writ Petition No.14715 of 2005 and other connected matters decided on 3.6.2008 (Ann.R/3) pertaining to the same department whereby the decision rendered by the Hyderabad Bench of the Tribunal was set-aside by which the Tribunal although has declined the relief as prayed for by the applicants in the OA by holding that applicants engaged by the respondents were continuing for a long period should not be dis-engaged by freshers even through contractor and on lifting of the ban on the engagement of Casual Labourers and on availability of funds the respondents shall consider cases of the applicants for the purpose of regularization of service, if necessary by formulating a scheme for the said purpose.
>
> 4. As can be seen from the judgment rendered by the Hon'ble High Court, the case of regularization of Casual Labourer was not pressed by the learned counsel in view of the mandate of the Constitution Bench decision in the case of State of Karnataka vs. Uma Devi (3), 2006 (4) SCC 1. However, submission was made that department had devised a new

scheme to dis-entitle the casual workers for claiming regularization of their services as the mode of engaging their service through medium of contractor and direction given by the Tribunal does not call for interference, the Hon'ble High Court in operative portion has made the following observations:-

"In view of the Constitution Bench judgment of the Apex Court in Uma Devi (3), it is not for Courts/Tribunals to issue a mandamus or direction for regularization of the services of casual labouers. We may not be understood to have stated that the Government, even if it chooses to do so should not frame a scheme for regularizing the services of such casual labourers. All that we have held is that Courts/Tribunals ought not to issue a mandamus or direction in this regard. IF the employer in his wisdom chooses to frame a scheme of regularization, it is always open for him to do so. The Central Administrative Tribunal erred in directing that the services of the casual labourers be continued and that they should not be disengaged even through contractors. No such direction could have been granted in view of the judgment of the Apex Court in Steel Authority of India Ltd. Whether the department had a valid licence under the Act, whether the engagement of contractor is a mere camouflage, whether the provision of Contract Labour (Regulation and Abolition) Act, 1970 had been violated in engaging the service of the casual labourers through the contractors are all matters, which are required to be adjudicated on the basis of evidence and not for the Central Administrative Tribunal to have determined.

We consider it appropriate to set aside the order of the Central Administrative Tribunal leaving ti open to the casual labourers concerned to avail such other remedies as are available to them in law to agitate their grievance with regards engagement of their services through the contractors for work in Commissonerates, which according to them are permanent and perennial in nature.

Accordingly, the judgment of the Tribunal has been set-aside.

5. In view of the findings recorded by the Andhra Pradesh High Court in the case of T.Vijay Raj (supra), as reproduced above, which reasoning is squarely applicable in the facts and circumstances of this case, it is not permissible for us to issue mandamus to the respondents directing them that services of the applicants be continued and they should not be dis-engaged even though the department has taken decision to execute the work through contractor whether such decision is camouflage or not, it is always open for the applicants to avail such other remedy as are available to them in law to agitate their grievances with regard to

engagement of services through contractor for work of Commissionerate."

5. In view of the findings recorded by this Tribunal in the case of Ram Lal Bhati, as reproduced above, it is not permissible for this Tribunal to issue mandamus to the respondents directing them that services of the applicants be continued and they should not be dis-engaged even if the department has taken a decision to execute the work through contractor. Whether such decision is camouflage or not, it is always open for the applicants to avail such other remedy as is available to them in law to agitate their grievances with regard to engagement of services through contractor for work of the department.

6. So far as grievance of those applicants who have completed 10 years of service as casual labour and in some cases even the matter was taken by the department for regularizing their services, no positive direction can be given on this aspect save and except that such of the applicants who claim that they have put in 10 years or more years of service as casual labour in the department and their cases are covered by the policy decision so taken by the respondents for the purpose of regularizing their service, it will be open for such applicants to make individual representation to the authorities. In case such representation is made by the applicants within a period of one month from today, the appropriate authority shall entertain the same and pass speaking and reasoned order within a period of 3 months from the date of receipt of such representation.

7. Further, with regard to the contention of the applicants that even though they have worked with the contractor and no payment has been made to them till date, the learned counsel for the respondents has categorically stated that the department has made payment of wages in respect of the applicants to the contractor. It is further stated that only 5 applicants have received such payment and other applicants have not received the payment and in case they present themselves before the contractor, such payment can be made by the contractor as money stands already deposited by the department in respect of wages of all the applicants. In view of this categorical statement made by the learned counsel for the respondents, the contention of the applicants that the wages for the work done by them during the operation of the contract period has not been made to them, cannot be accepted. In any case, if no wages is received by any of the applicant, it will be open for the applicants to move appropriate application before this Tribunal which will be considered and appropriate order will be passed.

8. Before parting with the matter, it may be observed that as per the stand taken by the respondents, the contract has become effective w.e.f. 1.2.2010 and no grievance has been made before this Tribunal that any of the applicant has been dis-engaged by the contractor or the contractor is paying less wages than being paid to them immediately before commencement of the contract. Thus, the applicants have not been put to any disadvantageous position as yet except that instead of taking work from the applicants by the

department, the same is being taken by the department through contract service. As already noticed above, whether such a contract could have been executed or the department had a valid licence and whether the engagement of contract is mere camouflage or whether provisions of Contract Labour (Regulation and Abolition) Act, 1970 has been violated in engaging the services of the casual labour through the contractor are the matters which are to be agitated before the appropriate forum and not before this Tribunal as held by the Hon'ble High Court of Andhra Pradesh in Writ Petition No.14715 of 2005 decided on 3.6.2008 relevant portion of which has been reproduced in the earlier part of this judgment.

8. With these observations, the OAs are disposed of with no order as to costs. In view of the order passed in the OAs, no order is required to be passed in Misc. Applications, which shall stand disposed of accordingly.

(M.L.CHAUHAN)

Judl. Member

R/

16/1/12

Section Officer (Judl.)
Central Administrative Tribunal
Jaipur Bench, JAIPUR