

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

26.7.2011

OA 320/2011

Mr.C.B.Sharma, counsel for applicant.

Heard learned counsel for the applicant. The OA stands disposed of at admission stage, by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

K. S. Rathore

(Justice K.S.Rathore)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 26th day of July, 2011

ORIGINAL APPLICATION No.320/2011

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Manish Raj
S/o Shri Ram Phool Meena,
R/o House No.52, Yagyashala Ki Babri,
Near Temple Santoshi Mata,
Nahargarh Road, Purani Basti,
Jaipur.
Last employed as LDC,
Income Tax Appellate Tribunal,
Jaipur Bench, Chamber Bhawan,
M. I. Road, Jaipur.

... Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through its Secretary,
Ministry of Law & Justice,
Department of Legal Affairs,
Shastri Bhawan,
New Delhi-03.
2. The President,
Income Tax Appellate Tribunal,
Loknayak Bhawan, 101 & 11th Floor,
Near Khan Market,
New Delhi-03.
3. The Registrar,
Income Tax Appellate Tribunal,
Loknayak Bhawan, 101 & 11th Floor,
Near Khan Market,
New Delhi-03.
4. The Registrar,
Income Tax Appellate Tribunal,
CGO Building, 4th Floor,
Maharshi Karve Marg,
Mumbai-400020.
5. The Assistant Registrar,
Income Tax Appellate Tribunal,
Jaipur Bench,

Chamber Bhawan, M.I. Road,
Jaipur.

... Respondents
(By Advocate : - - - - -)

ORDER (ORAL)

The applicant has filed this OA claiming the relief that the respondents be directed to interpolate his name in the order dated 15.7.2011 (Ann.A/1) and allow him to work as LDC in the Pay Band-I Rs.5200-20200 with the Grade Pay Rs.1900/- in the Income Tax Appellate Tribunal, Jaipur Bench, Jaipur, with all consequential benefits by quashing any order passed by the respondents which never served upon the applicant. He has further prayed that the respondents be directed to regularize his services as similarly situated employees have been regularized on the post of LDC with due benefits.

2. A bare reading of the relief claimed reveals that the applicant seeks a direction from this Tribunal to regularize his services as similarly situated employees have been regularized on the post of LDC with due benefits. Meaning thereby, extension is yet to be given to the applicant and after giving six months' extension, his name has to be interpolated in the list/order dated 15.7.2011 (Ann.A/1) by the respondents, as has been done in the cases of similarly situated employees.

3. Learned counsel for the applicant has placed reliance on the judgement rendered by the Principal Bench, CAT, New Delhi, in the case of **Uma Vaidyanathan v. Union of India & Ors.** (Ann.A/3). The Principal Bench in this order after quashing the impugned orders dated 19.7.2004 directed the respondents to reinstate the applicants forthwith, with all consequential benefits.

4. Learned counsel for the applicant further placed reliance on the judgement rendered by the Mumbai Bench of the CAT, in the case of **Uday Ramchandra Rane v. Union of India & Ors.** (Ann.A/4), wherein also the Mumbai Bench of the Tribunal



allowed all the connected OAs and directed the respondents to consider the cases of the applicants for regular appointment to the post of LDC.

5. We have given a thoughtful consideration to the submission made on behalf of the applicant. We have also carefully gone through the relief claimed by the applicant as well as the judgements referred to by learned counsel for the applicant, annexed with the OA. It is not disputed that before filing the present OA, the applicant has not approached the respondents and without representing before the respondents to extend the benefit which has been given to the similarly situated persons and even to the juniors, the applicant straightway has preferred this OA.

6. We are, therefore, of the view that the applicant may be given a liberty to represent before the respondents to make submission as raised in the present OA alongwith the judgements annexed with this OA within a period of 15 days from today and if such a representation is filed by the applicant before the respondents and if he is found eligible for extension on the post of LDC and regularisation etc., the respondents shall pass a speaking order in accordance with the provisions of law expeditiously but in any case not later than two weeks from the date of receipt of the representation to be filed by the applicant and if any order prejudicial to the interest of the applicant is passed by the respondents, the applicant will be at liberty to file a substantive OA before this Tribunal.

7. With these observations, the OA stands disposed of at admission stage.

Anil Kumar
(Anil Kumar)
Member (A)

J. S. Rathore
(Justice K.S.Rathore)
Member (J)