

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORDERS OF THE BENCH**

**Date of Order: 05.03.2013**

OA No. 397/2011

Mr. P.N. Jatti, counsel for applicant.  
Mr. Mukesh Agarwal, proxy counsel for  
Mr. Gaurav Jain, counsel for respondents.

At the request of learned counsel for the parties, put up  
the matter on 14.03.2013 for hearing.

*Anil Kumar*  
(ANIL KUMAR)  
MEMBER (A)

Kumawat

14/03/2013

since the advocates are on strike, list the  
matter on 21/03/2013.

*SP/14/10/100*  
COURT OFFICER

21-03-2013

OA No. 397/2011

Mr. P.N. Jatti, Counsel for applicant  
Mr. Gaurav Jain, Counsel for respondents

Heard.

O.A. is disposed of by  
a separate order on the  
separate-sheets for the reasons  
recorded therein.

*Anil Kumar*  
[Anil Kumar]  
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR.

**ORIGINAL APPLICATION NO. 397/2011**

Jaipur, the 21<sup>st</sup> day of March, 2013

**CORAM :**

**HON'BLE MR. ANIL KUMAR, ADMINISITRATIVE MEMBER**

Kamal Soni son of Prabhu Dayal by caste Soni aged about 34 years, resident of Plot No. 621, Devi Nagar, N.S. Road, Sodala, Jaipur presently working as Group 'D' Casual labour, presently working in the office of Chief Commissioner Income Tax, NCR Building, Statue Circle, Jaipur.

... Applicant

(By Advocate : Mr. P.N. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner Income Tax, Rajasthan, NCR Building, Statue Circle, Jaipur.

... Respondents

(By Advocate: Mr. Gaurav Jain)

**ORDER (ORAL)**

The applicant has filed this OA thereby praying for the following reliefs:-

- (i) That by a suitable writ/order or the direction, the impugned order 11.01.2011 be quashed and set aside.
- (ii) That by a suitable writ/order or the direction, the respondents be directed to regularize the services of the applicant on the base of the letter of the respondents dated 08.10.2007 vide Annexure A/8.
- (iii) That further the humble applicant prays that the services of the applicant be regularized on the base of the order dated 31.01.2009 where the services of the casual labour of 10 years have been counted upto 24.12.2007. It is humbly prayed that the humble applicant is completing his services of 10 years in this respect as per letter dated 08.10.2007.
- (iv) Any other relief which the Hon'ble Bench deems fit."

*Anil Kumar*

2. Learned counsel for the applicant submitted that the applicant was engaged as Casual Labour with effect from 01.01.1997 and since then he has been working with full devotion towards the work. That the applicant has been working 8 hours per day with the respondent department. The respondents have also paid bonus to the applicant for the year 2007-08 (Annexure A/6).

3. The learned counsel for the applicant also submitted that order dated 14.09.2007 issued by the Government of India, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes, New Delhi provides for regularization of casual workers as a one time measure as provided in DOPT OM No. 49019/1/2006-Estt.(C) dated 11.12.2006 (Annexure A/7).

4. On the basis of the above order, the case of the applicant was put up before the authorities for regularization as per letter dated 08.10.2007 (Annexure A/8). Therefore, the services of the applicant be regularized as he has completed 10 years of continuous service with the respondent department.

5. On the contrary, the learned counsel for the respondents submitted that the name of the applicant was put up before the Screening Committee constituted for regularization. The Screening Committee did not consider the name of the applicant because the applicant did not complete the regular service of ten years as on

*Anil Kumar*

10.04.2006 i.e. cut off date for counting of ten years of service for regularization in view of letter No. 49019/1/2006-Estt.(C) dated 11.12.2006 issued by the DOPT and letter F. No. A-12033/2/2002 dated 22.07.2009 issued by the CBDT (Annexures R/1 and R/2 respectively).

6. He further submitted that till date no daily wagger worker has been regularized. However, a new committee has been reconstituted for regularization of daily wagers. Further action in the applicant's case will be taken only after recommendation of the committee reconstituted.

7. Learned counsel for the respondents also submitted that similar controversy has been decided by this Tribunal in OA No. 81/2012 (Vinod Kumar Tailor vs. Union of India & Others) and other connected OAs decided on 12.03.2013. He further submitted that the facts and the law point in this OA are similar to the facts & law points of the OA No. 81/2012 (supra) and other connected OAs and, therefore, this OA can be decided in terms of the order passed by this Tribunal dated 12.03.2013 in OA No. 81/2012 & other connected OAs. The learned counsel for the applicant also agreed with the submission made by the learned counsel for the respondents and submitted that this OA can be decided in terms of the order passed by this Tribunal dated 12.03.2013 in OA No. 81/2012 & other connected OAs.

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8. I have carefully gone through the contents of the present OA and the contents of OA No. 81/2012 & other connected matters which have been decided by this Tribunal vide order dated 12.03.2013 and I am also of the opinion that the facts & legal point in the present OA are similar to the facts & legal point of OA No. 81/2012 and other connected OAs, which was decided by this Tribunal vide its order dated 12.03.2013. Para Nos. 14 to 18 of the order dated 12.03.2013 passed in OA No. 81/2012 (Vinod Kumar Tailor) and other connected OAs are quoted below:-

"14. In view of the recommendations made by the Review Committee, as per the conditions laid down in the case of Uma Devi (supra), none has been found eligible, but so far as DEOs are concerned, it is observed by the Committee that their cases should be considered once the cadre of DEOs is created on priority and/or giving weightage for their work experience.

15. As per the observations made by the Review Committee, the learned counsel for the respondents submitted that in case the applicants apply afresh as open candidates in view of notification dated 17.1.2011, their experience will be taken into consideration by the respondents as per rules.

16. In the light of the various judgments rendered by this Tribunal as well as by the Hon'ble Supreme Court and also in the case of State of Karnataka and others vs. Uma Devi and others (supra), it is evident that each and every aspect of the matter has already been dealt with in earlier judgments and by way of present OAs, the applicants are also claiming the same relief i.e. regularization of services on completion of 240/260 days in a year with all consequential benefits. Further, the Committee so constituted by the respondents has already considered the individual cases in view of the directions issued by the Hon'ble Supreme Court in the case of Uma Devi (supra) and none of the applicants has been found eligible for regularisation. In such eventuality, I am of the considered view that no direction can be given to the respondents to reconsider cases of the applicants for regularization and all the OAs are devoid of merit.

17. However, in case the respondents consider the cases of the applicants as per notification dated 17.1.2011 or want to utilize the services and experience of the applicants for

*Anil Kumar*

the post of MTS/DEO in any manner, as has been observed by the Committee so constituted by the respondents, this order will not come in the way of the respondents to utilize the services of the applicants.

18. With these observations, all the OAs stand disposed of with no order as to costs. "

9. In view of the order passed by this Tribunal dated 12.03.2013 in OA No. 81/2012 and other connected OAs (supra), I am of the view that no directions can be given to the respondents to consider the case of the applicant for regularisation and this OA is devoid of merit.

10. The applicant earlier filed an OA No. 27/2010 (Kamal Kumar Soni vs. Union of India) praying that direction be issued to the respondents to engage the applicant continuously and order dated 12.1.2010 vide Annexure A/2 be quashed and set aside. The applicant had opportunity to seek the relief of regularization of his services in that OA itself because all the facts & legal points which are relevant for seeking this relief in the present OA were also available at point of time. However, the applicant chose not to raise the issue of regularization of his services in OA No. 27/2010. Therefore, in my opinion, the present OA is also barred by the principle of 'Estoppel by Laches.'

11. Consequently the OA is dismissed on merit as well as on the principle of 'Estoppel by Laches.'

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12. However, in view of the fact that a new Committee has been reconstituted for regularization of daily wagers and in view of the submissions of the respondents that further action in the applicant's case will be taken only after recommendation of the Committee reconstituted, this order will not come in the way of the respondents to utilize the services of the applicant in accordance with the provisions of law.

13. With these observations, the OA is disposed of with no order as to costs.

*Anil Kumar*  
(Anil Kumar)  
Member (A)

AHQ