

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

16

ORDERS OF THE BENCH

Date of Order: 17.10.2012

OA No. 558/2011

Mr. Amit Mathur, counsel for applicants.
Mr. R.B. Mathur, counsel for respondents.

Heard learned counsels appearing for the respective parties.

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


(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

Kumawat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,

Jaipur, this the 17th day of October, 2012

OA Nos. 547/2011, 554/2011, 555/2011, 556/2011, 557/2011,
558/2011, 571/2011, 45/2012, 46/2012, 47/2012, 48/2012, 49/2012,
50/2012, 51/2012, 52/2012, 53/2012, 54/2012, 55/2012, 57/2012,
58/2012, 59/2012, 60/2012, 61/2012, 62/2012, 63/2012, 64/2012,
65/2012, 66/2012 and 67/2012

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

OA No.547/2011

1. Manoj Kumar s/o R.K.Chaudhary, age around 31 years, resident of 13/278, Malviya Nagar, Jaipur, presently working in the Income Tax Department, Jaipur
2. Murlidhar s/o Shri Ram Lal, age around 25 years, resident of F-278, Lal Kothi Scheme, Jaipur, presently working in the Income Tax Department, Jaipur
3. Mahaveer Das Bairagi s/o Shri K.D.Bairagi, age around 32 years resident of 9, Krishnapuri, Near Model Town, Jagatpura Road, Jaipur, presently working in the Income Tax Department, Jaipur.
4. Surendra Godiwal s/o Shri Ramesh Godiwal, age around 25 years, resident of C-112, Sector-9, Pratap Nagar, Jaipur, presently working in the Income Tax Department, Jaipur
5. Ram Datt Dixit s/o Shri Shiv Datt Dixit, age around 31 years, resident of Vatika Sanganer, Jaipur, presently working in the Income Tax Department, Jaipur
6. Devendra Singh Jadu s/o Shri Madan Singh, age around 34 years, resident of B-5, Govind Nagar (East), Amber Road, Jaipur, presently working in the Income Tax Department, Jaipur
7. Subhash Chand Sharma s/o Shri R.P.Sharma, age around 39 years, resident of Brahmpuri Ki Gali, Chomu, Jaipur, presently working in the Income Tax Department, Jaipur
8. Suresh Kumar s/o Shri Sohan Singh, age around 27 years, resident of 38, Shiv Nagar, Ghat Gate, Jaipur, presently working in the Income Tax Department, Jaipur

9. Amar Singh s/o Shri Chunni Lal, age around 41 years, resident of 38, Shiv Shankar Colony, Behind Sophia School, Jaipur, presently working in the Income Tax Department, Jaipur.
10. Narpat Singh s/o Shri Ashok Singh, age around 27 years, resident of II/118, I.T. Colony, Jaipur, presently working in the Income Tax Department, Jaipur.
11. Satya Narayan Sharma s/o Late Shri R.P.Sharma, age around 35 years, resident of 11, Govind Nagar, Agra Road, Jaipur, presently working in the Income Tax Department, Jaipur
12. Tinku Golecha s/o Late Shri Bal Chand, age around 27 years, r/o 6, Nahari Ka Naka, Chand Pole Bazar, Jaipur, presently working in the Income Tax Department, Jaipur
13. Ajay Kumar Mahur s/o Shri Shyam Lal, age around 39 years r/o A-6, Shiv Nagar, Ghat Gate, Jaipur, presently working in the Income Tax Department, Jaipur
14. Rajendra Kumar Nakwal s/o Shri Nath Ram Nakwal, age around 25 years, resident of 407, Purani Basti, Chandpole, Jaipur, presently working in the Income Tax Department, Jaipur
15. Yogesh Sain s/o Shri Ram Lal Sain, age around 39 years, resident of 136-A, Pasharav Nath Nagar, Near Cheel Gadi restaurant, Sanganer, Jaipur, presently working in the Income Tax Department, Jaipur.
16. Dushyant Sain s/o Shri Ram Lal Sain age around 32 years, resident of 136-A, Pasharav Nath Nagar, Near Cheel Gadi Restaurant, Sanganer, Jaipur presently working in the Income Tax Department, Jaipur

.. Applicants

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. Chief Commissioner of Income Tax, N.C.R. Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.554/2011

1. Krishna Agarwal D/o Late M.P. Modi, age around 39, R/o 710, Lashkari Bhawan, Sanganeri Gate, Jaipur, presently working in the Income Tax Department, Jaipur.
2. Praveen Jarwal s/o B.S.Jarwal, age around 30 years, resident of 132, Avadhpu II, Mahesh Nagar, Jaipur, presently working in the Income Tax Department, Jaipur
3. Vishnu Pareek s/o Shri Ram Babu Pareek, age around 23 years, resident of 58, Printer Nagar, Sita Bari, Tonk Road, Jaipur, presently working in the Income Tax Department, Jaipur
4. Dilip Kumar Sharma s/o Shri Lakshmi Kant Sharma, age around 31 years, resident of 286/29, Phase-I, Dayanand Nagar, Baijee Ki Kothi, Jhalana Dungari, Jaipur, presently working in the Income Tax Department, Jaipur
5. Pankaj Kumar s/o Devendra Kumar, age around 23 years, resident of 210, Shubham Vihar, Agra Road, Jaipur, presently working in the Income Tax Department, Jaipur
6. Neeraj Kumar s/o Shri Om Prakash, age around 25 years, resident of 60, Hari Marg, Tonk Road, Jaipur, presently working in the Income Tax Department, Jaipur
7. Surendra Pal s/o Shri Munna Lal, age around 26 years, resident of 1/19, Top Khana Ka Rasta, Indra Bazar, Jaipur presently working in the Income Tax Department, Jaipur
8. Suresh Kumar s/o Shri N.L.Verma, age around 37 years, resident of E-265-C, Lal Kothi Yojna, Jaipur presently working in the Income Tax Department, Jaipur
9. Rahul Bairwa s/o Shri M.L.Bairwa, age around 25 years, resident of 204-A, Bhagwati Nagar, Kartarpura, Jaipur, presently working in the Income Tax Department, Jaipur
10. Arjun Lal Verma s/o Shri Gopi Ram, age around 26 years, resident of village and post Sirsi, Ward No.12, Jaipur presently working in the Income Tax Department, Jaipur
11. Rakesh Kumar Sharma s/o Shri N.L.Sharma, age around 25 years, resident of village Badi Ki Dhani, Muhana, Sanganer, Jaipur, presently working in the Income Tax Department, Jaipur
12. Tarun Jain s/o Vimal Kumar Jain, age 21 years, resident of 6A, Panchwati Colony, Block-C, Sanganer, Jaipur, presently working in the Income Tax Department, Jaipur

.. Applicants

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. Chief Commissioner of Income Tax, N.C.R. Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.555/2011

1. Kailash Meena s/o L.C.Meena, aged around 40 years r/o 153, Income Tax Colony, Jaipur, presently working in the Income Tax Department, Jaipur
2. Mayur Kumar s/o R.K.Chaudhary, age around 27 years r/o G-19, Siddharth Nagar, Nand Puri, Jaipur, presently working in the Income Tax Department, Jaipur
3. Uttam Baniwal s/o Lal Chand Baniwal, age around 40 years r/o D-37, Amritpuri, Ghat Gate, Jaipur, presently working in the Income Tax Department, Jaipur
4. Raj Kumar Baniwal s/o Shri G.D.Baniwal age around 39 years r/o Shiv Shankar Colony, Behind Sophia School, Jaipur, presently working in the Income Tax Department, Jaipur
5. Mahesh Atal s/o Late Shri L.N.Atal age around 32 years r/o 3149, Raigron Ki Kothi, Ghat Gate, Jaipur, presently working in the Income Tax Department, Jaipur
6. Ashok Kumar Sain s/o Shri Ram Kishore Sain, age around 27 years r/o B-66, J.P. Colony, Sector-4, Vidyadhar Nagar, Jaipur presently working in the Income Tax Department, Jaipur
7. Heera Lal s/o Shri Chitar Mal, age around 32 years r/o 168, Nahari Ka Naka, Sikar House, Chandpole Bazar, Jaipur presently working in the Income Tax Department, Jaipur
8. Vasudev Sharma s/o Shri S.L.Sharma age around 27 years r/o Village Chandel Kalan, Tehsil Chaksu, Jaipur presently working in the Income Tax Department, Jaipur
9. Rahul Kumar Pareek s/o Shri Prabhu Narayan Pareek age around 25 years r/o 54, Shivaji Nagar, Shastri Nagar, Jaipur presently working in the Income Tax Department, Jaipur

10. Mahendra Singh s/o Shri Mala Ram age around 33 years r/o Dudowali, Khetri, Jhunjhunu, presently working in the Income Tax Department, Jaipur
11. Surendra Kumar Pival s/o Shri Ram Prasad age around 27 years r/o GG-29, Hasanpura, Jaipur presently working in the Income Tax Department, Jaipur
12. Mahaveer Singh s/o Kishore Singh age around 29 years r/o Kathmana, Malpura, Tonk presently working in the Income Tax Department, Jaipur
13. Nihal Chand Sharma s/o Shri Radehy Shyam age around 32 years r/o 36, Sitaram Puri, Amber Road, Jaipur presently working in the Income Tax Department, Jaipur

.. Applicants

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. Chief Commissioner of Income Tax, N.C.R. Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.556/2011

1. Raj Singh s/o Shri Laxman Singh age around 44 years r/o 4 Ch 35, Shastri Nagar, Jaipur presently working in the Income Tax Department, Jaipur
2. Vinod Bihari Sharma s/o Madan Mohan Sharma age around 34 years r/o P.No.131, Mahesh Nagar, Jaipur presently working in the Income Tax Department, Jaipur
3. Gyan Chand Phulwaria s/o Ram Dhan Phulwaria age around 25 years r/o 205-A, Sri Kalyan Nagar Phatak, Kartarpura, Jaipur presently working in the Income Tax Department, Jaipur
4. Navin Gupta s/o Shri J.P Gupta age around 24 years r/o A-168, Tara Nagar, Jhotwara, Jaipur, presently working in the Income Tax Department, Jaipur
5. Kushal Chand Kadela s/o Shri Nemi Chand, age around 25 years r/o 814, Shivaji Nagar, Jaipur, presently working in the Income Tax Department, Jaipur

.. Applicants

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. Chief Commissioner of Income Tax, N.C.R. Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.557/2011

1. Mahaveer Singh Gehlot s/o Shri R.C.S.Gehlot age around 33 years r/o village Pokarsakabas, Sirsali, Chomu, Jaipur presently working in the Income Tax Department, Jaipur
2. Jyoti Nama (Rajoriya) d/o R.L. Rajoriya age around 30 years r/o P.No.13, Ranjeet Nagar, Dadabari Sanganer, Jaipur presently working in the Income Tax Department, Jaipur
3. Hajari Lal Sharma s/o S.L.Sharma age around 24 years r/o Village and Post Neemla, Tehsil Rajgarh, Alwar, presently working in the Income Tax Department, Jaipur
4. Kapil Kumar Sharma s/o Shri A.B.Sharma age around 31 years r/o D-277, Prem Nagar, Jhotwara, Jaipur presently working in the Income Tax Department, Jaipur
5. Sachin Kumar Sharma s/o Late R.C.Sharma age around 29 years r/o A-239, Madhav Nagar, Opp. Durgapura, Jaipur presently working in the Income Tax Department, Jaipur
6. Wasim Akram s/o Shri Shakil Ahemad age around 23 years r/o D-60, Jalupura, Shastri Nagar, Jaipur, presently working in the Income Tax Department, Jaipur
7. Irshad Ali s/o Shri Shokat Ali, age around 25 years r/o A-154, Sector-8, Vidyadhar Nagar, Jaipur, presently working in the Income Tax Department, Jaipur
8. Shailendra Gujarati s/o Shri Rajendra Gujarati age around 35 years r/o 19/220, Gandhi Nagar, Jaipur presently working in the Income Tax Department, Jaipur
9. Shriram Chaudhary s/o Shri Ram Ray Chaudhary age around 23 years r/o village Sanwalia, Chaksu, Jaipur presently working in the Income Tax Department, Jaipur

10. Surya Prakash s/o Sh. Om Prakash age around 25 years r/o 35-36, Subhash Marg, C-Scheme, Jaipur, presently working in the Income Tax Department, Jaipur
11. Jatin Rajoriya s/o Shri Ranjan Rajoriya age around 25 years r/o 4180, Nahargarh Road, Jaipur presently working in the Income Tax Department, Jaipur
12. Kedar Mal Burdak s/o Shri G.R.Burdak age around 33 years r/o Junsiya, P.O.Etawa, Jaipur presently working in the Income Tax Department, Jaipur

.. Applicants

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. Chief Commissioner of Income Tax, N.C.R. Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.558/2011

1. Chandra Shekhar Sharma s/o N.K.Sharma age around 41 years r/o C-234, Mahesh Nagar, Jaipur, presently working in the Income Tax Department, Jaipur
2. Dinesh Chand s/o Lal Chand age around 28 years r/o P.No.1, Girdhar Vihar, Ajmer Road, Jaipur, presently working in the Income Tax Department, Jaipur
3. Avon Meena s/o N.L.Meena, age around 30 years r/o Khajalpur, Chaksu, Jaipur, presently working in the Income Tax Department, Jaipur
4. Yogendra Kumar Sharma s/o Shri R.P. Sharma age around 24 years r/o 53B4, Kailashpuri, Amber Road, Jaipur, presently working in the Income Tax Department, Jaipur
5. Ramesh Saini s/o Shri B.L.Saini age around 25 years r/o 3/330, Malviya Nagar, Jaipur, presently working in the Income Tax Department, Jaipur
6. Tarun Jain s/o Shri V.K.Jain age around 21 years r/o 6-A Panchwati Colony, Sanganer, Jaipur presently working in the Income Tax Department, Jaipur

7. Ashok Kumar Saini s/o late Shri J.P. Saini age around 25 years r/o Opp. Manish School, Harmada, Jaipur presently working in the Income Tax Department, Jaipur
8. Bajrang Lal Meena s/o Shri H.P. Meena age around 33 years r/o F-36, Mahesh Marg, Jaipur presently working in the Income Tax Department, Jaipur
9. Deepak Sain s/o Shri Ishwar Lal Sain age around 23 years r/o 155, Trivani Nagar, Pali Meena, Jaipur presently working in the Income Tax Department, Jaipur
10. Rakesh Kumar Dixit s/o late Shri O.M. Dixit age around 37 years r/o Ward No.22, Madhuvan Colony, Bandikui, Dausa presently working in the Income Tax Department, Jaipur
11. Amit Prasad Sain s/o Shri Rajendra Prasad Sain age around 27 years r/o B-24, Sonath Vihar, Karni Palace Raod, Vaishali Nagar, Jaipur, presently working in the Income Tax Department, Jaipur
12. Pradeep Saini s/o Shri Mahendra Saini age around 25 years r/o 36, Bhagat Vatika, Civil Lines, Jaipur presently working in the Income Tax Department, Jaipur

.. Applicants

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. Chief Commissioner of Income Tax, N.C.R. Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.571/2011

1. Rajendra Kumar s/o Shri Ram Lal age around 40 years r/o S-5, Ganpati Nagar, Jaipur presently working in the Income Tax Department, Jaipur
2. Uttam Kumar s/o late Shri Kishan Lal, age around 32 years r/o 542, Ajmeri Gate, Indra Bazar, Jaipur presently working in the Income Tax Department, Jaipur
3. Om Prakash Morya s/o Shri Arjun Lal age around 33 years r/o Nangal Rajawatan, Dausa presently working in the Income Tax Department, Jaipur

4. Surendra Parmar s/o Shri Ghanshyam Parmar, age around 32 years r/o 42, Shiv Nagar, Ghat Gate, Jaipur presently working in the Income Tax Department, Jaipur
5. Vikas Sharma s/o Shri Babu Lal Sharma, age around 24 years r/o A-4, Deepak Colony, Shopur, Sanganer, Jaipur presently working in the Income Tax Department, Jaipur
6. Ravi Sharma s/o Shri Gopal Lal Sharma age around 23 years r/o 11, Govind Nagar, Agra Road, Jaipur presently working in the Income Tax Department, Jaipur
7. Lal Chand Biloniya s/o Shri Dhanna Lal age around 29 years r/o 74 Kalyan Nagar, Rampura Road, Sanganer, Jaipur, presently working in the Income Tax Department, Jaipur
8. Rupesh Verma s/o Shri Dilip Singh Verma, age around 25 years r/o 4/116, Malviya Nagar, Jaipur presently working in the Income Tax Department, Jaipur
9. Rohit Naruka s/o Shri Rajendra Singh Naruka age around 21 years r/o 750-751, Sanjay Nagar, DCM, Ajmer Road, Jaipur presently working in the Income Tax Department, Jaipur
10. Usha Devi D/o Ram Charan, age around 36 years r/o Badiya Basti, Station Road, Jaipur, presently working in the Income Tax Department, Jaipur
11. Prashant Saxena s/o Shri G.P.Saxena, age around 26 years r/o 4337, Saxena Sadan, Nahargarh Road, Purani Basti, Jaipur presently working in the Income Tax Department, Jaipur
12. Naveen Kumar Verma s/o Sh. Jai Raj Verma age around 24 years r/o 419, Kamla Nehru Nagar, Jaipur presently working in the Income Tax Department, Jaipur
13. Kanahiya Lal Sharma s/o Prahalad Rai age around 26 years r/o 249, Mohalla Purohit, Amber, Jaipur presently working in the Income Tax Department, Jaipur
14. Umesh Sharma s/o Shri Purushottam Sharma age around 30 years r/o 2B73, Behind PNT quarter, Vishwakarma Colony, Jaipur presently working in the Income Tax Department, Jaipur
15. Sudhir Kumar s/o Lakshmi Narain Gaurav age around 33 years r/o 44, Janakpuri I, Imlil Phatak, Jaipur

... Applicants

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India through Its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. Chief Commissioner of Income Tax, N.C.R. Building, Statue Circle, Jaipur

... Respondents

(By Advocate : Shri R.B.Mathur)

OA No.45/2012

Ravi Sonava s/o Shri Babu Lal Sonava, by caste Sonava, aged about 37 years r/o 4220, Govind Rao Ji Ka Rasta, Purani Basti, Jaipur, presently working as Group 'D' PBX operator-casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.46/2012

Vinod Kumar Tailor s/o Shri Nathu Lal Tailor, by caste Tailor, aged about 30 years, r/o 47-B, Pratap Nagar Colony, Near Gordhan Ji Ka Well, Murlpura, Sikar Road, Jaipur, presently working as Peon-Casual Labour Group 'D' in the O/o the Commissioner of Income Tax, Computer Operation, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (CO), NCR Building, Statue Circle, Jaipur

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.47/2012

Kailash Chand Jat s/o Jagdish Narain Jat, by caste Jat, aged about 33 years r/o Momarka, Teh. Chaksu, Distt. Jaipur, presently working as casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (II), NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.48/2012

Lala Ram Mali s/o Shri Chaju Ram Mali, by caste Mali, aged about 29 years r/o Keshav Vidhya Peeth, Mallon Ki Dhani, Sumel, Jaipur, presently working as Mali-casual labour in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.49/2012

Sunil Kumar Yadav s/o Shri Banwari Lal Yadav, by caste Yadav, aged about 34 years r/o 32/256, near Roshan Cycle, Kumehher Gate, Bharatpur, presently working as casual labour Group 'D' in the Income Tax office, Bharatpur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Income Tax Office, Moti Doongri, Alwar.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.50/2012

Jetendra Singh s/o Rewat Singh, by caste Rao, aged about 37 years r/o E-46, Majdoor Nagar, Ajmer Road, Jaipur, presently working as casual labour (Computer Operator) in the O/o Chief Commissioner of Income Tax-I, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (II), NCR Building, Statue Circle, Jaipur

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.51/2012

Leelam Chand s/o Tulsa Ram by caste Meghwal, aged about 24 years r/o H.No. 95, Yashoda Path, Shyam Nagar, Jaipur, presently working as casual labour Group 'D' in the O/o Commissioner of Income Tax, New Central Revenue Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.52/2012

Sarwan Kumar s/o Madan Lal, by caste Harijan, aged about 34 years, r/o Hari Marg, Raigar Basti, Malviya Nagar, Jaipur, presently working as casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (II), NCR Building, Statue Circle, Jaipur

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.53/2012

Anil Sharma s/o Shri Shyam Sunder Sharma, by caste Sharma, aged about 25 years r/o Village and Post Jahota, Teh. Amer, Jaipur, presently working as casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (CO), NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.54/2012

Raj Kumar Sen s/o Shri Prabhu Narain Sen, by caste Sen, aged about 30 years r/o P.No. 240, J.P. Colony, Naya Kheda, Vidhya Dhar Nagar, Jaipur, presently working as casual labour Group 'D' in the O/o the Chief Commissioner of Income tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.55/2012

Umesh Chandra Pal s/o Shri Banwari Lal Pal, by caste Pal, aged about 33 years r/o H.No. 150, Rai Colony, Hasan Pura-C, Jaipur, presently working as casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (II), NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.57/2012

Ramesh Kumar Sharma s/o Shri Jagdish Pd. Sharma, by caste Sharma, aged about 37 years r/o New Colony, Goner, Jaipur, presently working as Cook-casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.58/2012

Ramesh Kumar Sen s/o Shri Paras Ram Sen, by caste Sen, aged about 36 years r/o P.No. 275, Vishva Karma Colony, Jaipur, presently working as Waiter-casual labour Group 'D' in Guest House of O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.59/2012

Bhanwar Singh Rajawat s/o Indra Singh Rajawat, by caste Rajawat, aged about 36 years r/o Village Pipla Bharat Singh, Post Jaisinghpura via Bhankrota, Teh. Sanganer, Distt. Jaipur, presently working as Peon-casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (II), NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.60/2012

Gopal Singh s/o Shri Laxman Singh, by caste Rajpoot, aged about 30 years r/o P.No.27, Karni Vaatika, Sirsi Road, Jaipur, presently working as casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.

3. Commissioner, Income Tax (CO), NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.61/2012

Sanjiv Kumar Choudhary s/o Shri Inder Dev Choudhary, by caste Choudhary, aged about 27 years r/o Malviya Nagar, Income Tax Colony, Jaipur, presently working as Cook-casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, New Revenue Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.62/2012

Dinesh Kumar Sen s/o Paras Ram Sen, by caste Sen, aged about 33 years r/o P.No.273, Vishva Karma Colony, Jaipur, presently working as Cook- casual labour Group 'D' in Guest House O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.63/2012

Suresh s/o Mamraj, by caste Harijan, aged about 37 years r/o Kachhi Basti, Sastri Nagar, in front of Bajoria School, Jaipur, presently working as Farash-casual labour Group 'D' in the O/o Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (II), NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.64/2012

Bhag Chand Gothwal s/o Ramdhan Gothwal, by caste Gothwal, aged about 29 years r/o Village Eesrawala, Via Morija, Jaipur, presently working as Peon-casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (II), NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.65/2012

Suresh Bahadur s/o Megh Bahadur, by caste Bahadur, aged about 23 years r/o C-70, Bhagwan Das Road, Jaipur, presently working as Cook- casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue circle, Jaipur.

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.66/2012

Jai Dev Mahawar s/o Shri Pratap Lal Mahawar, aged about 26 years, by caste Mahawar, r/o P.No.25, Raj Hans Colony, Sector-3, Brahmpuri Road, Jaipur, presently working as Peon-casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur.

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (II), NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

OA No.67/2012

Mukesh Kumar s/o Shyam Lal, by caste Dhanka, aged about 37 years r/o A-6, Shiv Nagar Near, Sophia School, Ghat Gate, Jaipur, presently working as Peon-casual labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur

.. Applicant

(By Advocate: Shri 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissioner Income Tax (II), NCR Building, Statue Circle, Jaipur.

.. Respondents

(By Advocate: Shri R.B.Mathur)

ORDER (ORAL)

The aforementioned OAs are heard together due to similar facts and the law involved and are being disposed of by this common order.

2. The applicants submitted these OAs with the prayer that they may be allowed pay of Rs. 292/- per day and are aggrieved and dis-satisfied with the impugned order dated 31.5.2011 by which their pay has been reduced from Rs. 292/- per day to Rs. 164/- per day. It is also contended on behalf of the applicants that the order dated 31.5.2011 was earlier challenged before the Central Administrative Tribunal, Jodhpur Bench and the CAT-Jodhpur Bench vide its order dated 14.8.2012 ordered as under:-

"(i) The impugned order dated 31.5.2011 (A1) is hereby quashed.

- (ii) The respondents are directed to continue making payment to the applicants @ 1/30th of the pay at the minimum of the time scale of the Group 'D' staff plus dearness allowance ie., Rs. 292 per days as basic pay w.e.f. 1.7.2008 with all consequential benefits.
- (iii) No modification of the OM dated 12.9.2008 is warranted as the legality of the OM has not been in challenge nor would the same be necessary for granting the reliefs (i) and (ii).
- (iv) No order as to the costs."

3. The learned counsel appearing for the applicants prayed that the controversy involved in the present OAs is squarely covered by the order dated 14.8.2012 passed by the CAT-Jodhpur Bench and the order dated 14.8.2012 is squarely applicable in the cases of the applicants. It will not be out of place to mention here that the relief claimed by the applicants before the CAT-Jodhpur Bench in various OAs was as under:-

- "(i) That the applicants may be permitted to peruse this joint application on behalf of five applicants under Rule 4(5) of CAT Procedure Rules, 1987.
- (ii) That impugned order dated 31.5.2011 (Annexure.A1) issued by 3rd respondent may be declared illegal and the same may be quashed. The respondents may be directed to make payment to the applicant @ 1/30th of the pay at the minimum of the time scale of pay of the Group D staff plus dearness allowances i.e., Rs. 292 per day as basic pay w.e.f. 1.7.2008 and applicant allowed with all consequential benefits including the due arrears thereof. The OM dated 12.9.2008 (Annexure.A2) may be ordered to be modified accordingly.
- (iii) That any other direction or orders may be passed in favour of the applicants, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.
- (iv) That the costs of this application may be allowed."

4. In addition to the relief claimed in the OAs filed before the CAT-Jodhpur Bench, decided vide order dated 14.8.2012, the applicants have also prayed for grant of temporary status in view of



the policy of the Government of India and it is contended that the issue of temporary status was not raised in the OAs decided by the CAT-Jodhpur Bench.

5. The learned counsel appearing for the respondents does not dispute to the extent that the order dated 31.5.2011 by which it was ordered that the daily wages of the casual workers without temporary status is to be paid at the rate of Rs. 164 per day, has earlier been assailed before the CAT-Jodhpur Bench. The order dated 31.5.2011 was issued in the light of the clarification issued by the Principal Chief Controller of Accounts, New Delhi vide communication dated 25.3.2011 and it is contended that the CAT-Jodhpur Bench has not granted temporary status to the applicants therein. It is also not in dispute that the 'Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993' was applicable only to the casual labourers working at that point of time and it was not ongoing scheme, but was one time only. In such circumstances, the applicants cannot claim the benefit of temporary status or claim status at par with the workmen having temporary status.

6. The learned counsel appearing for the respondents further submits that the judgment passed by the CAT-Jodhpur Bench is per incuriam as the CAT-Jodhpur Bench has not considered the judgment of the Hon'ble Supreme Court in the case of S.C.Chandra and ors. Vs. State of Jharkhand and ors. reported in (2007) 8 SCC 279 and vide order dated 14.8.2012 has relied upon the judgment of Surindra Singh and another vs The Engineer-in-



Chief, CPWD and others reported in AIR1986 SC' 584, which was of the year 1986 and the same was considered by the Hon'ble Apex Court in subsequent judgments and referred the judgment in the case of State of Haryana and ors. Vs. Charanjit Singh and ors, reported in (2006) 9 SCC 321, decided by the Larger Bench of the Hon'ble Supreme Court. Having considered the judgment in the case of Surindra Singh, the Larger Bench has observed as under:-

".....The Full Bench judgment dealt only with daily rated and casual workers. Where a person is employed under a contract, it is the contract which will govern the terms and conditions of service. In the case of State of Haryana vs. Surinder Kumar and ors. Reported in MANU/SC/0516 :[1997]2SCR917, persons employed on contract basis claimed equal pay as regular workers on the footing that their posts were interchangeable. It was held that these persons had no right to the regular posts until they are duly selected and appointed. It was held that they were not entitled to the same pay as regular employees by claiming that they are discharging same duties. It was held that the very object of selection is to test eligibility and then to make appointment in accordance with rules. It was held that the Respondents had not been recruited in accordance with the rules prescribed for recruitment."

7. Having considered the rival submissions of the respective parties and upon careful perusal of the material available on record and the relief claimed by the applicants, so far as the relief claimed by the applicants to quash and set-aside the impugned order dated 31.5.2011 is concerned, the judgment rendered by the CAT-Jodhpur Bench is fully applicable as the Division Bench of the CAT-Jodhpur Bench has already quashed and set-aside the impugned order dated 31.5.2011. Therefore, having considered the order dated 14.8.2012 of the CAT-Jodhpur Bench, so far as the impugned order dated 31.5.2011 is concerned, the same is quashed and set-aside and respondents are directed to continue



making payment to the applicants @ 292/- per day instead of Rs. 164/- per day from the date when lesser payment of Rs. 164/- per day is paid to the applicants. The applicants are also entitled to arrears of lesser payment paid by the respondents.

8. So far as the relief claimed by the applicants that the applicants may be granted temporary status is concerned, I am in full agreement with the learned counsel appearing for the respondents that the scheme 'Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993' was one time measure and was applicable only to the casual labourers working in the year 1993 and was not ongoing scheme and in view of the said scheme, the applicants cannot claim the benefit of temporary status or claim status at par with the workmen having temporary status. As already discussed hereinabove, the said scheme was one time measure and the same has been considered by the Hon'ble Supreme Court in the case of Union of India vs. Mohan Pal, reported in AIR 2002 SC 2001; Union of India vs. Gagan Kumar, reported in AIR 2005 SC 3107; Director General, Doordarshan vs. Manas Dey and Ors., reported in AIR 2006 SC 263 and Controller of Defence Accounts vs. Dhani Ram and Ors. reported in AIR 2007 SC 2650.

9. Therefore, in my considered view, the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993 is not applicable to the present case and the applicants cannot claim temporary status in view of the said scheme.



10. Consequently, these OAs are disposed of in view of the judgment rendered by the Division Bench of the CAT-Jodhpur Bench vide its order dated 14.8.2012 and the judgment of the CAT-Jodhpur Bench be treated as part of this judgment.

11. All the OAs stand disposed of in the above terms with no order as to costs.

12. Interim direction already issued on 22.11.2011 and 25.11.2011 stands merged in this order.

(JUSTICE K.S.RATHORE)
Judl Member

R/