

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

01.12.2011

OA No. 589/2011

Mr. P.N. Jatti, Counsel for applicant.

Heard learned counsel for the applicant.

The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

ahq

[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 01st day of December, 2011

ORIGINAL APPLICATION No. 589/2011

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Sunil Kumar Yadav son of Shri Banwari Lal Yadav Lal by caste Yadav, aged about 34 years, resident of 32/256, Near Roshan Cycle, Kumeher Gate Bharatpur. Presently working as Casual Labour Group 'D' in the office of Income Tax Office, Bharatpur.

... 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Income Tax Office, Moti Doongri, Alwar (Rajasthan)

... Respondents

(By Advocates : -----)

ORDER (ORAL)

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

- "(i) That by a suitable writ/order or the directions the respondents be directed to act as per the representation of the applicant dated 20.09.2011 vide Annexure A/1.
- (ii) That by a suitable writ/order or the directions the respondents be directed not to disengage the applicant and the services of the applicant be continued as 11.11.2011.
- (iii) That the services of the applicant be regularized as per the orders dated 14.9.2007 with the order dated 7.9.2007 with all the consequential benefits.
- (iv) That as per the intention of the respondents vide Annexure A/10 the applicant be allowed to work as before 11.11.2011 and may not be thrown under the service provider as per Annexure A/10.

Anil Kumar

- (v) That by a suitable writ/order or the directions the respondents be directed for the payment of Rs.292/- for the daily wage with effect from June 2011 as per the orders dated 12.11.2008 and the order dated 31.05.2011 be quashed and set aside.
- (vi) That it is humbly prayed that the order dated 31.05.2011 be quashed and set aside for the payment of Rs.164/- per day and further the payment Rs.292/- per day be reinstated as per the order dated 12.11.2008.
- (vii) Any other relief which the Hon'ble Bench deems fit.

2. Heard the learned counsel for the applicant at length. He argued that the applicant has filed a representation dated 20.09.2011(Annexure A/1) but it has not yet been decided. With regard to daily wage of Rs.292/-, he stated that the Hon'ble CAT Jodhpur Bench has granted interim relief in OA No. 464/2011 vide order dated 24.10.2011 (Annexure A/7). He further argued that the respondents may be restrained from dis-engaging the applicant and in this connection, he referred to the order of this Bench of the Tribunal in OA No. 517/2011 decided on 15.11.2011 [Ravi Sonava vs. Union of India & Others] in which this Tribunal has held that "it is further made clear that till the disposal of the said representation, the respondents are expected to maintain the status quo of the applicant as exists today." He further argued that the respondents be directed to decide the representation of the applicant dated 20.09.2011 (Annexure A/1).

3. Learned counsel for the applicant also submitted that Central Administrative Tribunal, Jaipur Bench, Jaipur has also decided the similar controversy in the case of

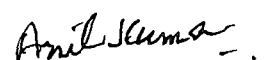
Anil Kumar

Jetendra Singh son vs. Union of India & Others [OA No. 567/2011 decided on 24.11.2011].

4. In view of the submission made by the learned counsel for the applicant, I deem it proper to direct the respondents to consider the representation of the applicant dated 20.09.2011 (Annexure A/1) and pass a speaking & well reasoned order within a period of two months from the date of receipt of a copy of this order. A copy of the decision so taken on the representation of the applicant may be supplied to him. Till the decision is taken on the representation of the applicant, the respondents are expected to maintain the status quo of the applicant as exists today. Further the respondents are also directed to pay the applicant @ Rs.292/- per day as he was being paid earlier for the period for which he is working with the respondents or till the decision is taken by the respondents on the applicant's representation dated 20.09.2011 (Annexure A/1), whichever is earlier.

5. However, it is made clear that if any prejudicial order is passed against the applicant, he is at liberty to file substantive OA for redressal of his grievances.

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



(Anil Kumar)
Member (A)