

3

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 09.12.2011

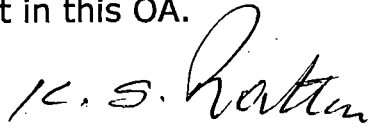
OA No. 613/2011

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

Mr. R.B. Mathur, counsel for respondents (as a Caveator)

Heard. The O.A. is disposed of by a separate common order (in OA Nos. 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623 and 624 of 2011) on the separate sheets for the reasons recorded therein.

Original common order is kept in OA No. 607/2011 and certified copy of the same be kept in this OA.


(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NOS. 607, 608, 609, 610, 611,
612, 613, 614, 615, 616,
617, 618, 619, 620, 621,
622, 623 and 624 of 2011

DATE OF ORDER: 09.12.2011

CORAM

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

(1) OA No. 607/2011

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

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

(2) OA No. 608/2011

Jetendra Singh S/o Shri 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) Group 'D' in the O/o the Chief Commissioner of Income Tax-I, NCR Building, Statue Circle, Jaipur.

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

(3) OA No. 609/2011

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, Murlipura, 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

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

(4) OA No. 610/2011

Ramesh Kumar Sharma S/o Shri , 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

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

(5) OA No. 611/2011

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

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

(6) OA No. 612/2011

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 the Guest House O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur.

...Applicant

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

(7) OA No. 613/2011

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

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

(8) OA No. 614/2011

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

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

(9) OA No. 615/2011

Sarwan Kumar S/o Shri 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

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

(10) OA No. 616/2011

Dinesh Kumar Sen S/o Shri Paras Ram Sen, by caste Sen, aged about 33 years, R/o P.N. 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

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

(11) OA No. 617/2011

Kailash Chand Jat S/o Shri Jagdish Narain Jat, by caste Jat, aged about 33 years, R/o Momarka, Tehsil Chaksu, District Jaipur, presently working as Casual Labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur.

...Applicant

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

(12) OA No. 618/2011

Anil Sharma S/o Shri Shyam Sunder Sharma, by caste Sharma, aged about 25 years, R/o Village and post Jahota, Tehsil 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

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

(13) OA No. 619/2011

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 Guest House O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur.

...Applicant

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

(14) OA No. 620/2011

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, Brahmipuri 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

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

(15) OA No. 621/2011

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

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

(16) OA No. 622/2011

Mukesh Kumar S/o Shri 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

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

(17) OA No. 623/2011

Lala Ram Mali S/o Chaju Ram Mali, by caste Mali, aged about 29 years, R/o Keshav Vidhya Peeth, Malion Ki Dhani, Sumel, Jaipur,

presently working as Mali – Casual Labour Group 'D' in the O/o the Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur.

...Applicant

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

(18) OA No. 624/2011

Bhagchand 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

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

Mr. P.N. Jatti, counsel for applicants in all the OAs.

Mr. R.B. Mathur, counsel for respondents
(as Caveator) in all the OAs.

ORDER (ORAL)

All the above Original Applications involving the similar question of law and facts are being decided by this common order. The brief facts of one of the cases i.e. the case of Ravi Sonava (OA No. 607/2011) is taken as a leading case.

2. This is the second round of litigation. Earlier the applicants have preferred their separate Original Applications before this



Tribunal, and this Bench of the Tribunal vide its order dated 15.11.2011 has directed the respondents to consider and decide the representation dated 20.09.2011 by passing a reasoned and speaking order and to communicate the same to the applicants.

3. In view of the order passed by this Bench of the Tribunal, the respondents have decided the said representation of the applicants vide order dated 29.11.2011 (Annex. A/1). Aggrieved and dissatisfied with the order dated 29.11.2011 the present Original Applications have been preferred by the applicants.

4. I have heard Shri P.N. Jatti, learned counsel appearing for the applicants, as well as learned counsel Shri R.B. Mathur, appearing as 'Caveator' on behalf of the respondents, after providing the copy of the Original Applications.

5. Upon careful perusal of the impugned order dated 29.11.2011 (Annex. A/1), without expressing any opinion on merit, I am of the view that the representation of the applicants dated 20.09.2011 has not been decided by the respondents in true and latter spirit as directed vide order dated 15.11.2011, and further the observations of the Hon'ble Supreme Court has not been considered as the applicants failed to give the details and reference of the case.

6. During the course of the argument, it has come out that the policy has been framed in pursuance to the direction issued by the Hon'ble Supreme Court in the case of Surinder Singh and Ors. vs. Union of India reported in (AIR 1986 SC 64). Be that

7

as it may, while deciding the representation dated 20.09.2011, the respondents have to consider the ratio decided by the Hon'ble Apex Court in the case of Surinder Singh and Ors. vs. Union of India (supra).

7. Consequently, the respondents are directed to decide the representation of the applicants dated 20.09.2011 afresh in view of the ratio decided by the Hon'ble Supreme Court in the case of Surinder Singh and Ors. vs. Union of India (supra) and shall pass a reasoned and speaking order. It is expected from the respondents to decide the said representation of the applicants as indicated in the earlier order dated 15.11.2011 expeditiously but in any case not later than a period of one month from the date of passing of this order, and communicate the decisions so taken on the said representation to the applicants.

8. In case, any prejudicial order against the interest of the applicants are passed by the respondents, the applicants will be at liberty to redress their grievances by way of filing the substantive Original Application(s).

9. With these observations and directions, the Original Applications are disposed of with no order as to costs.

(JUSTICE K.S. RATHORE)
MEMBER (J)