

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

12.12.2011

OA No. 625/2011

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

Heard. The OA is disposed of by a separate order.

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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 12th day of December, 2011

CORAM :

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

1. **ORIGINAL APPLICATION No. 625/2011**

Suresh son of Mamraj by caste Harizan, aged about 37 years, resident of Kachhi Basti, Shastri Nagar, in front of Bajoria School, Jaipur. Presently working as Farash-casual labour group 'D' in the office of the Chief Commissioner of 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissiner Income Tax (II), NCR Building, Statue Circle, Jaipur.

... Respondents

(By Advocate : None for Caveator)

2. **ORIGINAL APPLICATION No. 626/2011**

Bhanwar Singh Rajawat son of Indra Singh, by caste Rajawat, aged about 36 yrs, resident of Village Pipla Bharat Singh, Post Jaisinghpura, via Bhankrota, Tehsil Sanganer, District Jaipur. Presently working as Peon Casual Labour, Group 'D' in the office of Chief Commissioner of 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 of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Commissiner Income Tax (II), NCR Building, Statue Circle, Jaipur.

... Respondents

(By Advocate : None for Caveator)

ORDER (ORAL)

All the above two OAs 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 Suresh (OA No. 625/2011) is taken as a leading case.

2. This is the second round of litigation. Earlier the applicants have preferred their separate OAs before this Tribunal and this Bench of the Tribunal vide order dated 15.11.2011 has directed the respondents to consider and decide the representation dated 20.09.2011 of the applicant 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 (Annexure A/1). Aggrieved and dissatisfied with the order dated 29.11.2011, the present OAs have been preferred by the applicants.

4. I have heard learned counsel for the applicant and perused the documents available on record.



5. Upon careful perusal of the impugned order dated 29.11.2011 (Annexure A/1), without expressing any opinion, I am of the view that the representation of the applicants dated 20.09.2011 has not been decided by the respondents in true 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 Others vs. Union of India** reported in AIR 1986 SC 564. Be that 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 Others 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 Others vs. Union of India (supra)** and shall pass a reasoned and speaking order. It is expected from the respondents to decide the same representation of the applicant 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 decision 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 OA.

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



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

