

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

28.12.2011

OA NO. 663/2011

Mr. P.N. Jatti with Mr. B.K. Jatti, Counsel for applicant.
None present for Caveater.

Heard learned counsel for the applicant.

The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

ahq

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 28th day of December 2011

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

1. **ORIGINAL APPLICATION No. 662/2011**

Sunil Kumar Yadav son of Shri Banwari Lal Yadav 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 Advocates :Mr. P.N. Jatti and Mr. B.K. 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 Advocates : -----)

2. **ORIGINAL APPLICATION No. 663/2011**

Leelam Chand son of Tulsa Ram by caste Maghwal, aged about 24 years, House No. 95, Yasoda Path, Shyam Nagar, Jaipur. Presently working as Casual Labour Group 'D' in the office of Commissioner of Income Tax, New Central Revenue Building, Statue Circle, Jaipur.

... Applicant

(By Advocates :Mr. P.N. Jatti and Mr. B.K. 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 Caveator : None)

Anil Kumar

ORDER (ORAL)

The above two 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 Sunil Kumar Yadav (OA-No.662/2011) is taken as a leading case

2. Heard learned counsel for the applicant. He submitted that similar controversy has been decided by this Bench in OA Nos. 607 & others of 2011 vide order dated 09.12.2011. This Tribunal in the said OAs has passed the following order:-

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 applicant.

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 date 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

Anil Kumar

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 wide 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 ratiocinated 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 564). Be that as it may, while deciding the representation dated 20.09.2011, the respondents have not considered 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.

3. The present OA has been filed by the applicant being aggrieved by the order passed by the respondents at Annexure A/1. In view of this Tribunal in OA nos. 607 &

Anil Kumar

others of 2011, the respondents are directed to decide the representation of the applicant dated 20.09.2011 afresh in view of ratio decided by the Hon'ble Supreme Court in the case of **Surinder Singh and Others vs. Union of India** reported in AIR 1986 SC 564 and pass a reasoned and speaking order. It is expected from the respondents to decide the representation of the applicant expeditiously but in any case not later than a period of one month from the date of receipt of this order and communicate the decision so taken to the applicants on the said representation of the applicants.

4. In case any prejudicial order is passed by the respondents against the applicant, he will be at liberty to file substantive OA, if so advised.
5. With these observations and directions, both the OAs are disposed with no order as to costs.

(Anil Kumar)
Member (/)

AHQ

copy given via

11/12/2011

28/12/11