

**Central Administrative Tribunal
Principal Bench**

**OA No.3980/2018
MA No.4421/2018**

New Delhi, this the 17th day of October, 2018

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. Ms. Veena Verma @ Beena,
Aged about 50 years,
W/o Shri Shibu Verma,
R/o 400, Gali No.2, Near V3S,
West Guru Angad Nagar,
Laxmi Nagar, Delhi-110092
(Working as casual labour).
2. Sh. Naresh Pal,
Aged about 45 years,
S/o Sh. Ram Chandra,
R/o D-1/13, Square Bharti Nagar,
Lodhi Road, Central Delhi-110003
(Working as casual labour)
3. Sh. Anup Kumar,
Aged about 35 years,
S/o Shri Prakash Chand,
R/o VPO Kohla, Tehsil Nadaun,
Kohila, Nadaun Harmiput,
Himachal Pradesh
(Working as casual labour)
4. Sh. Pramod Kumar,
Aged about 45 years,
S/o Shri Kishan Chand,
R/o 163, Pandit Chowk,
Mandawali, Delhi-110092
(Working as casual labour)
5. Sh. Narender Panthri,
Aged about 34 years,
S/o Sh. Govind Ram,
R/o H.No.26, Gali No.2,
Village Sahibabad,
Near Bhardwaj General Store,
I.E. Sahibabad, S.O. Ghaziabad (UP)
(Working as casual labour).

6. Sh. Suraj Kumar,
Aged about 33 years,
S/o Sh. Om Prakash,
R/o E-13, E Block, DDA Flats,
New Ranjit Nagar, Delhi
(Working as casual labour)
7. Sh. Vishal Kumar,
Aged about 30 years,
S/o Shri Hari Singh,
R/o E-13, DDA Flats,
New Ranjit Nagar, Delhi,
(Working as casual labour)
8. Sh. Mohit,
Aged about 29 years,
S/o Sh. Om Prakash,
R/o 103, CPS Flats,
Near Durga Mandir,
East of Kailash, New Delhi.
(Working as casual labour)
9. Sh. Gopal Ram Arya,
Aged about 47 years,
S/o Shri Kishan Ram,
R/o C-48, Block-C,
Lajpat Nagar, Sahibabad,
Ghaziabad (UP),
(Working as casual labour)
10. Sh. Pankaj Kumar,
Aged about 30 years,
S/o Shri Ram Lotan Prasad,
R/o 199, Type-2, Govt. Quarter,
Lodhi Road Complex, South Delhi,
New Delhi-110003.
(Working as casual labour)
11. Sh. Amit Kumar,
Aged about 32 years,
S/o Shri Mahavir Singh,
R/o H.No.1/4123, Gali No.4,
Loni Road, Ram Nagar Vistar,
Shahdara, East Delhi, Delhi-110032
(Working as casual labour)

12. Sh. Chand Roop,
Aged about 33 years,
S/o Shri Prem Singh,
R/o H.No.25, Block No.1,
Nr. Mandir Chhaper 23,
Chhapar (23), Silakheri Safidon,
Jind, Haryana
(Working as casual labour)

13. Sh. Pradeep Singh,
Aged about 33 years,
S/o Shri Balbir Singh,
R/o H.No. 10B, Block FP,
Pitampura, North West Delhi,
Delhi-110088
(Working as casual labour)

14. Sh. Mangam Raju,
Aged about 39 years,
S/o Shri Krishna Murthy Mangam,
R/o H.No.4/391,Trilok Puri,
Shamas Pur, Patparganj,
East Delhi, Delhi-110091.
(Working as casual labour)

15. Sh. Ravinder Kumar Dass,
Aged about 41 years,
S/o Shri Vibhash Chandra Dass,
R/o 289, Income Tax Colony,
Pitam Pura, Shalimar Bagh,
North West Delhi, Delhi-110088
(Working as casual labour)

16. Sh. Ravi Shankar,
Aged about 34 years,
S/o Sh. Prakash Chand,
R/o H.No.43, Gali No.1,
Village Khichripur,
East Delhi, Delhi-110091.
(Working as casual labour)

17. Ms. Maya Devi,
Aged about 42 years,
W/o Shri Rajesh Kumar,
R/o B-110, Sangam Park,
Nr. Rana Pratap Bagh, Malka Ganj,
S.O. North Delhi, Delhi-110007
(Working as casual labour)

18. Sh. Mohan Singh,
Aged about 46 years,
S/o Shri Net Ram,
R/o H.No.T-221,
Street No.2, Gautampuri,
Delhi-110053
(Working as casual labour)

19. Sh. Sandeep Goswami,
Aged about 30 years,
S/o Sh. Bhagwan Goswami,
R/o H.No.187, Rajpur Khurd Extension,
Chhatarpur, South Delhi,
Delhi-110068
(Working as casual labour)

20. Sh. Nitin,
Aged about 31 years,
S/o Sh. Satpal,
R/o 134, Sunder Park, Gali No.2,
Shastri Nagar, Delhi-110031
(Working as casual labour)

21. Sh. Ravi Kumar,
Aged about 33 years,
S/o Shri Rajpal,
R/o H.No.20/B, Block-B,
Near New Masjid, Deendarpur,
South West, Nazafgarh, Delhi-43
(Working as casual labour)

22. Sh. Gajanand Koli,
Aged about 30 years,
S/o Sh. Gopal Ram Koli,
R/o S-36/172, Thuts Gandhi Camp,
Near Railway Station,
Srinivas Puri, Delhi
(Working as casual labour)

23. Sh. Sudesh Kumar,
Aged about 40 years,
S/o Shri K.R. Nimesh,
R/o 29/500/20D, Gali No.12,
Vishwas Nagar, Shahdara, Delhi
(Working as casual labour)

24. Sh. Sanjay,
 Aged about 38 years,
 S/o Shri Jagat Singh,
 R/o 1939, Pilanji,
 New Delhi-110003
(Working as casual labour)

25. Sh. Ram Kumar,
 Aged about 43 years,
 S/o Sh. Jai Lal,
 R/o 727, Chrach Road,
 Pana Udyan, Narela,
(Working as casual labour)

26. Sh. Rajesh,
 Aged about 33 years,
 S/o Sh. Deep Chand,
 R/o 11/202, Block-11,
 Trilokpuri, East Delhi,
 Delhi-110091
(Working as casual labour)

27. Sh. Jai Bhagwan,
 Aged about 40 years,
 S/o Shri Rameshwar Dass,
 R/o Kharhar Road, Mattan (20),
 Jhajjar, Haryana
(Working as casual labour)

28. Sh. Dilip Kumar,
 Aged about 46 years,
 S/o Sh. Laxman Singh,
 R/o H.No.48, Block-C,
 New Seema Puri, Delhi
(Working as casual labour)

29. Sh. O. Sunil,
 Aged about 34 years,
 S/o Sh. O. Nagesh,
 R/o H.No.7/343, Sector-C,
 Albert Square, Shaheed Matava Singh Marg,
 GPO, New Delhi-110001
(Working as casual labour)

(By Advocate : Shri Surinder Kumar Gupta)

...Applicants

Versus

Union of India through

1. Secretary,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi.
2. Chairman,
Central Board of Direct Taxes,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi.
3. Pr. Chief Commissioner of Income Tax (CCA),
Aayakar Bhawan, C.R. Building,
I.P. Estate,
New Delhi-110002.

...Respondents

(By Advocate : Shri M.S. Reen)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard the learned counsel for applicant and Shri M.S. Reen, learned counsel, on receipt of advance notice, on behalf of respondents.

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2. For the reasons stated therein, the MA filed for joining together in a single Application is allowed.

OA No.3980/2018

3. The applicants who are working as Casual Labourers in various capacities under the respondents, filed the instant OA seeking the following reliefs :-

- (i) Quash and set aside the action of respondents in engaging the applicants through contractor in the light of the decision of this Hon'ble Tribunal at Jodhpur Bench as affirmed by Hon'ble Court and Hon'ble Supreme Court.
- (ii) Direct the respondents to disburse the salary to the applicants as per their engagement i.e. 1/30th of the pay in the relevant pay scale in accordance with the instruction no.F.No.C-33014/41/2015-V&L dated 16.10.2016 and 23.11.2015 which is being granted to other casual employees working Income Tax Department with all other benefits.
- (iii) Direct the respondents to employ the applicants directly and not through contractor and thereupon, consider them for regularization in accordance with law;
- (iv) May also pass any further order(s), direction (s) as be deemed just and proper to meet the ends of justice.”

4. It is the grievance of the applicants that the respondents are not paying the pay at par with the newly regularly recruited employees in the same post, as per the law declared by the Hon'ble Apex Court in ***State of Punjab & Ors. Vs. Jagjit Singh & Ors.*** in C.A. No.213/2013 dated 26.10.2016. They also apprehend that the respondents may displace the applicants by

engaging freshers/juniors/persons through out sourced agencies.

5. It is also submitted that the applicants made Annexure-A/1 (Colly) representations through the Associations ventilating their grievances.

6. In the circumstances, the OA is disposed of without going into the merits of the case by directing the respondents to consider the claims of the applicants duly keeping in view the various decisions enclosed to the OA and to pass appropriate speaking and reasoned order thereon, in accordance with law, within 90 days from the date of receipt of a certified copy of this order. The respondents are also directed to continue the applicants in the same capacity, if there is work and in preference to any freshers/ juniors/outsourced employees, or till the vacancies are filled up through regular recruitment. No costs.

7. Let a copy of the OA be enclosed to this order.

(A.K. BISHNOI)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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