

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00524/2019
Chandigarh, this the 20th day of May, 2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. Hardyal Surya S/o Late Sh. Ram Lal, aged 49 years, working as Waterman in the office of Income Tax Officer, Parwanoo, under Shimla Range, Himachal Pradesh – 173220.
2. Chaman Singh S/o Sh. Ghimo Ram, aged 40 years, working as Chowkidar in the office of Income Tax Officer, Hamirpur, under Mandi Range, Himachal Pradesh – 177001.
3. Sanjay Kumar S/o Late Sh. Ishwar Dass, aged 46 years, working as Waterman in the office of Income Tax Officer, Hamirpur, under Mandi Range, Himachal Pradesh – 177001.
4. Sanjeev Kumar S/o Sh. Munshi Ram, aged 40 years, working as Waterman in the office of Income Tax Officer, Hamirpur, under Mandi Range, Himachal Pradesh – 177001.
5. Kashmir Singh S/o Late Sh. Banku Ram, aged 38 years, working as Sweeper in the office of Income Tax Officer, Hamirpur, under Mandi Range, Himachal Pradesh – 177001.
6. Roshan Lal s/o Sh. Kundan Lal, aged 43 years, working as Sweeper in the office of Income Tax Officer, Bilaspur, under Mandi Range, Himachal Pradesh – 174001.
7. Vinod Kumar S/O Sh. Jay Singh Chandel, aged 42 years, working as Chowkidar in the office of Income Tax Officer, Bilaspur, under Mandi Range, Himachal Pradesh – 174001.
8. Durga Dass S/o Late Sh. Bhikam Ram, aged 45 years, working as Waterman in the office of Income Tax Officer, Kullu, under Mandi Range, Himachal Pradesh – 175019.
9. Ratti Ram s/o Sh. Jiya Lal, aged 31 years, working as Chowkidar in the office of Income Tax Officer, Kullu, under Mandi Range, Himachal Pradesh – 175019.
10. Amarjeet Singh s/o Late Sh. Bhagat Ram, aged 43 years, working as Chowkidar in the office of Income Tax Officer, Mandi, under Mandi Range, Himachal Pradesh – 175019.
11. Bindu w/o Sh. Sanjay Kumar, aged 41 years, working as Sweeper in the office of Income Tax Officer, Mandi, under Mandi Range, Himachal Pradesh – 175019.
12. Kishan Pal S/o Sh. Dharam Pal, aged 50 years, working as Sweeper in the office of Income Tax Officer, Mandi under Mandi Range, Himachal Pradesh – 175019.
13. Balak Ram s/o Sh. Durga Ram, aged 44 years, working as Chowkidar in the office of Income Tax Officer, Sunder Nagar under Mandi Range, Himachal Pradesh – 175019.

14. Leela Dhar S/o Sh. Roop Lal, aged 38 years, working as Waterman in the office of Income Tax Officer, Sunder Nagar under Mandi Range, Himachal Pradesh – 1750198.
15. Asha Devi w/o Sh. Roshan Lal, aged 47 years, working as Sweeper in the office of Income Tax Officer, Rampur, under Shimla Range, Himachal Pradesh – 171004.
16. Surender Kumar s/o Sh. Puran Sukh aged 44 years, working as Chowkidar in the office of Income Tax Officer, Rampur, under Shimla Range, Himachal Pradesh – 171004.
17. Bharti Devi Negi w/o Sh. Heer Bhagwan Negi, aged 44 years, working as Waterman in the office of Income Tax Officer, Rampur, under Shimla Range, Himachal Pradesh – 171004.
18. Arun Kumar s/o Late Sh. Rattan Chand, aged 40 years working as Chowkidar in the office of Income Tax Officer, Una under Palampur Range, Himachal Pradesh – 174303.
19. Charangi Lal s/o Sh. Duni Chand, aged 36 years, working as Waterman in the office of Income Tax Officer, Bilaspur, under Mandi Range, Himachal Pradesh – 174001.

All the applicants belong to Group D

....Applicant

(Present: Mr. Jagdeep Jaswal, Advocate)

Versus

1. Union of India, through, Secretary, Ministry of Finance, Department of Revenue, New Delhi – 110011.
2. Principal Chief Commissioner of Income Tax, North- West Region, Aayakar Bhawan, Sector 17-E, Chandigarh – 160017.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/00863/2019 is allowed and the applicants are allowed to join together to file this single O.A.
2. The present O.A. has been filed by the applicants seeking temporary status in view of decision of the Hyderabad Bench of this Tribunal in the case of **Kamaraju Vs. Union of India &**

Others (O.A. NO. 20/364/2019 decided on 10.04.2019) (Annexure A-1).

3. Heard.

4. Learned counsel submitted that the order dated 26.07.2012 passed by the Hyderabad Bench of this Tribunal allowing similar O.A. No. 613/2012, was challenged in judicial review by way of W.P. No. 9719/2013, which was dismissed by the Hon'ble High Court of Telangana and Andhra Pradesh, vide order dated 26.07.2012, and that this order has been implemented by the respondents qua the applicants therein vide letter dated 14.12.2018. He argued that once the order has been implemented qua the similarly placed persons working in the same department, then there is no hurdle in implementing the same qua other similarly placed persons. He contended that the representation dated 10.04.2015 (Annexure A-19) moved by the applicant also could not yield any result. He makes a statement at the bar that the applicants would be satisfied if a direction is issued to the respondents to decide his representation in view of ratio laid down in the relied upon cases.

5. Issue notice to the respondents.

6. At this stage, Mr. Sanjay Goyal, Advocate, appears and accepts notice on behalf of respondents. He does not object to the disposal of the O.A. in the above terms. He, however, prays for three months time to the respondents to examine the case of the applicants in the light of relied upon cases.

7. In the wake of above, the O.A. is disposed of, in limine, with a direction to the respondents to take a call and decide the indicated representation (Annexure A-19) in view of ratio laid down in the relied upon cases, by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. The order so passed be communicated to the applicant.

8. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

No costs.

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