

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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**ORIGINAL APPLICATION NO. 060/462/2019
& M.A. NO. 60/796/2019**

Chandigarh, this the 29th day of May, 2019

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

...

1. Manbar Singh S/o Sh. Bhim Singh, aged 41 years, working as Casual Worker in the office of Principal Chief Commissioner Income Tax, North West Region, Sector 17, Chandigarh – 160017.
2. Madan Lal S/o Sh. Hari Singh, aged 43 years, working as Casual Worker in the office of Principal Commissioner of Income Tax-1, North West Region, Sector 17, Chandigarh – 160017. **Group 'C'**
3. Ram Chandra S/o Sh. Kamta Nath, aged 47 years, working as Casual Worker in the office of Principal Chief Commissioner of Income Tax, North West Region, Sector 17, Chandigarh – 160017.
4. Parkash Chand S/o Sh. Vidhi Chand, aged 41 years, working as Casual Worker in the office of Principal Commissioner of Income Tax-1, North West Region, Sector 17, Chandigarh – 160017.
5. Raghu Nath S/o Late Sh. Bagh Singh, aged 46 years, working as Casual Worker in the office of Principal Commissioner of Income Tax-1, North West Region, Sector 17, Chandigarh – 160017.

6. Prem Kumar S/o Sh. Garib Dass, aged 46 years, working as Casual Worker in the office of Range-2, North West Region, Sector 17, Chandigarh – 160017.
7. Tej Pal S/o Sh. Kanu Ram, aged 43 years, working as Casual Worker in the office of Principal Chief Commissioner of Income Tax, North West Region, Sector 17, Chandigarh – 160017.
8. Surendra Singh S/o Late Sh. Jagmohan Singh Negi, aged 44 years, working as Casual Worker in the office of Principal Commissioner of Income Tax-2, North West Region, Sector 17, Chandigarh – 160017.
9. Sanjay Kumar S/o Sh. Om Prakash, aged 39 years, working as Casual Worker in the office of Range 4(1), North West Region, Sector 17, Chandigarh – 160017.
10. Jiwan Lal S/o Sh. Ram Sunder, aged 45 years, working as Casual Worker in the office of Principal Commissioner of Income Tax-2, North West Region, Sector 17, Chandigarh – 160017.
11. Dharminder Singh S/o Sh. Laxman Das, aged 43 years, working as Casual Worker in the office of Principal Chief Commissioner of Income Tax, North West Region, Sector 17, Chandigarh – 160017.
12. Ramesh Kumar Maurya S/o Sh. Ram Kumar Maurya, aged 37 years, working as Casual Worker in the office of Principal Commissioner of Income Tax-2, North West Region, Sector 17, Chandigarh – 160017.
13. Parshotam Sharma S/o Sh. Tulsi Ram, aged 45 years, working as Casual Worker in the office of Principal Chief Commissioner

of Income Tax, North West Region, Sector 17, Chandigarh – 160017.

14. Ashok Kumar S/o Late Sh. Kanya Lal, aged 44 years, working as Casual Worker in the office of Circle-2(1), North West Region, Sector 17, Chandigarh – 160017.
15. Khem Singh S/o Sh. Soham Singh, aged 45 years, working as Casual Worker in the office of Principal Commissioner of Income Tax-2, North West Region, Sector 17, Chandigarh – 160017.
16. Ganga Thappa S/o Sh. Man Bahdur Thapa, aged 44 years, working as Casual Worker in the office of Principal Commissioner of Income Tax-2, North West Region, Sector 17, Chandigarh – 160017.
17. Vijay Kumar S/o Hari Chand, aged 45 years, working as Casual Worker in the office of Commissioner of Income Tax (CO), North West Region, Sector 17, Chandigarh – 160017.
18. Gopal Ram S/o Sh. Pari Ram, aged 41 years, working as Casual Worker in the office of Range-3, North West Region, Sector 17, Chandigarh – 160017.
19. Ramesh Kumar S/o Sh. Nakli Ram, aged 43 years, working as Casual Worker in the office Income Tax Appellate Tribunal, North West Region, Sector 17, Chandigarh – 160017.
20. Baij Nath S/o Sh. Mahadev, aged 44 years, working as Casual Worker in the office of Chief Commissioner of Income Tax, North West Region, Sector 17, Chandigarh – 160017.

21. Babita S/o Sh. Puna Ram, aged 45 years, working as Casual Worker in the office of Range-3, North West Region, Sector 17, Chandigarh – 160017.

22. Raj Kumar S/o Sh. Gian Chand, aged 44 years, working as Casual Worker in the office of Principal Commissioner of Income Tax-2, North West Region, Sector 17, Chandigarh – 160017.

....APPLICANTS

(By Advocate: Shri Jagdeep Jaswal)

VERSUS

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

....RESPONDENTS

(By Advocate: Shri Sanjay Goyal)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

M.A. No. 60/796/2019 is allowed and the applicants are allowed to join together to file this single O.A.

2. The present Original Application has been filed by the applicants assailing the order dated 26.3.2019, rejecting their claim for conferment of temporary status without taking into consideration the judicial pronouncements as relied upon by them in case of similarly placed persons. Mr. Jagdeep Jaswal, learned counsel for applicants, therefore, submits that the impugned order be quashed and set aside being non-speaking. He further submits

that the applicants had submitted representation for redressal of their grievance before the Competent Authority, while relying upon the decision of the Hyderabad Bench of this Tribunal rendered in O.A. No. 613/2012, as further upheld by the Hon'ble High Court of Telangana and Andhra Pradesh, in judicial review in Writ Petition No. 9719/2013 vide judgment dated 26.7.2012. He also informs that said judgment has been implemented qua the petitioner therein vide letter dated 14.12.2018. Thus, he argues that the respondents cannot discriminate amongst the similarly placed persons by not conferring the temporary status, to persons like the applicants. He argued that since the impugned order does not indicate as to whether they have taken into consideration the relied upon decision and rejected their claim by relying upon DOPT instructions dated 26.2.2016, which has already been considered by the Hon'ble High Court in indicated case as such their stand is illegal. He further prays that the impugned order be quashed and set aside and the matter may be remanded back to the respondents to give a fresh look to the matter, keeping in view the law laid down in the relied upon case. He also submitted that similar matter has also been disposed of by this Tribunal vide order dated 20.5.2019 in O.A. No. 60/524/2019- **Hardyal Surya and Ors. vs Union of India & Ors.** based upon the decision of Hyderabad Bench of this Tribunal in the case of **Kamraju vs Union of India & Ors.** (O.A. No. 20/364/2019) decided on 10.4.2019.

3. Issue notice to respondents.

4. Mr. Sanjay Goyal, learned Sr. CGSC, present in Court, accepts notice on their behalf.

5. I have heard the learned counsel for the parties and gone through the pleadings and the representation made by the applicants to the respondents for grant of temporary status. Based upon the judicial pronouncement, the department has granted the benefit of temporary status in the case of similarly situated persons. The respondents have rejected the claim of the present applicants without taking into consideration those judicial pronouncements as relied upon by the applicants, in the case of similarly situated persons. Therefore, I am of the considered view that ends of justice will be met, if the respondents re-consider the claim of the applicants in the light of relied upon judgment and if the applicants are found entitled to the same, they be granted the relief otherwise a reasoned and speaking order be passed and communicated to them. Accordingly, the impugned order is quashed and set aside and the matter is remanded back to the respondents to reconsider the claim of the applicants by taking into consideration the relied upon judgment within a period of two months from the date of receipt of certified copy of this order. The O.A. stands disposed of accordingly.

6. 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.

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 29.05.2019

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