

**SIN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 20/170/2019

Date of Order: 19.02.2019

Between:

1. P. Nagaraju, S/o. P. Devanna,
Aged about 38 years, Group D,
O/o. Contingent working in
Assistant Commissioner of Customs & Central GST,
N.R. Peta, Kurnool.
2. P. Srinivasulu, S/o. late Basayaiah,
Aged about 48 years, Group D,
O/o. Contingent working in
Assistant Commissioner of Customs & Central GST,
N.R. Peta, Kurnool.
3. B. Vanamanna, S/o. B. Ayyanna,
Aged about 47 years, Group D,
O/o. Contingent working in
Assistant Commissioner of Customs & Central GST,
N.R. Peta, Kurnool.

... Applicants

And

1. Union of India, Rep. by
The Chief Commissioner,
Central GST & Customs,
Visakhapatnam Zone, Visakhapatnam.
2. The Principal Commissioner of Central GST,
Hyderabad Commissionerate,
L.B. Stadium Road, Basheerbagh, Hyderabad.
3. The Commissioner,
Customs & Central Excise,
Tirupati Commissionerate,
9/86-A, Amaravathi Nagar,
West Church Compound,
M.R. Palli Road, Tirupati.

... Respondents

Counsel for the Applicants	...	Mr. M.V. Krishna Mohan
Counsel for the Respondents	...	Ms. D. Shoba Rani, Addl. CGSC

CORAM:

<i>Hon'ble Mr. B.V. Sudhakar</i>	...	<i>Member (Admn.)</i>
----------------------------------	-----	-----------------------

ORAL ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

Heard learned counsel for both sides.

2. The applicants have filed the OA seeking for a direction to the respondent to grant temporary status and regularization of their services in pursuance of the DOPT instructions dt. 11.12.2016 with consequential benefits on par with similarly situated persons.

3. The applicants are working as Contingent Casual Worker under the control of the respondents. They have completed more than 19 years of service in the Department as Contingent Casual Worker in anticipation of regularization. Similarly situated employees who are juniors to the applicants approached this Tribunal by filing OAs 312, 313, 322 of 2015 before Central Administrative Tribunal, Bangalore Bench. The Tribunal allowed the OAs and they were granted Temporary Status. Therefore, the applicants claim that they are fully eligible for grant of Temporary Status on completion of 240 days of service from the date of their initial engagement. The applicants state that the Guntur Commissionerate granted temporary status to the juniors to the applicant in pursuance of the order dt.05.04.2010 in OA 97/2009 passed by this Tribunal, as confirmed by the Hon'ble High Court of A.P. in WP No.26716/2010, vide order dt.08.11.2010 and also the Hon'ble Supreme Court in SLP (C) No.6354/2011 vide order dt.02.03.2011. They also state that they are covered by the order in OA 312, 313 to 322 of 2015 and OA 907-912 of 2015 of Central Administrative Tribunal, Bangalore Bench wherein their juniors were granted Temporary Status. The applicants further submit that this Tribunal allowed OA No.414/2011 and similar other OAs and the Hon'ble High Court confirmed the orders of this

Tribunal in WP No. 38042/2012 & batch. In pursuance of the same, the respondents have issued Establishment Order (NGO) No.16/2019, dated 17.01.2019 and No.24/2019, dt. 23.01.2019. They also submitted that recently, the Hon'ble High Court of Hyderabad disposed of W.P.No.27176 of 2012 and batch, vide order dated 29.12.2018, directing the department to grant Temporary Status to the petitioners therein. The applicants submitted very detailed representation dated 04.02.2019. But, there is no response from the respondents.

4. In view of the above, I am of the view that merely because the applicants did not approach the Tribunal, they cannot be denied the benefit of conferring temporary status on par with their juniors. The respondents are, therefore, directed to consider and dispose of the representation dated 04.02.2019 submitted by the applicants and confer the same benefit which was conferred on the candidates mentioned in the Establishment Order (NGO) No.16/2019, dated 17.01.2019 and No.24/2019, dt. 23.01.2019, within a period of eight weeks from the date of receipt of this order.

5. The OA is accordingly disposed of at the admission stage. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 19th day of February, 2019

evr