

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : INDORE

Original Application No.201/00772/2019

Indore, this Friday, the 30th day of August, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

1. Vinit Sharma, S/o Shri Rameshwer Sharma, aged : 38 yrs, Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.
2. Smt. Hemlata Rai, W/o Shri Rakesh Rai, aged : 39 yrs, Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.
3. Smt. Rashmi Purohit, W/o Shri Shailesh Purohit, aged : 36 years, Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.
4. Sunita Yadav, D/o Shri Shiv Prasad Yadav, aged : 39 years, Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.
5. Namrata Malviya, D/o Shri Babulal Malviya, aged : 42 years, Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.
6. Smt. Pooja Wagh, W/o Shri Jitendra Wagh, aged : 33 years, Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.
7. Mukesh Kondle, S/o Shri Narendra Kondle, aged : 35 yrs, Occ : Data Entry Operator (Casual Labour), O/o Chief

Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.

8. Poonam Solanki, D/o Shri Mahesh Solanki, aged : 36 yrs, Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.

9. Vijay Kale, S/o Shri Laxman rao Kale, aged : 39 yrs., Occ : Office Boy (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.

10. Rounak Singh Tanwar, S/o Shri Narayen Singh Tanwar, aged : 33 yrs., Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.

11. Kavita Pal, D/o Shri Girdharilal Pal, aged : 37 yrs., Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.

12. Shivam (Shivshankar), S/o Shri Ram Singh Jaiswal, aged : 31 yrs, Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.

13. Chetan Saini, S/o Shri Durga Prasad Saini, aged : 30 yrs, Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.

14. Akash Malviya, S/o Late Shri Gokul Prasad Malviya, aged : 32 yrs, Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.

15. Rajkumar Saini, S/o Shri Manoharlal Saini, aged : 33 yrs., Occ : Data Entry Operator (Casual Labour), O/o Chief Commissioner of Income Tax Indore, Aaykar Bhawan, White Church Road, Indore District – Indore (M.P) 452001.

**-Applicants
(By Advocate – Shri Shashank Patwari)**

V e r s u s

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi – 110001.
2. Chairman, Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, North Block, New Delhi – 110001.
3. Principal Chief Commissioner of Income Tax, Aaykar Bhawan, Hoshangabad Road, Bhopal, Bhopal – 462011.
4. Chief Commissioner of Income Tax, Aaykar Bhawan, White Church Road, Inodre, District – Indore (M.P) – 452001.

-Respondents

(By Advocate – Ms. Seema Sharma)

O R D E R (O R A L)

By Navin Tandon, AM.

The applicants submit that they were appointed by the respondent department as a Daily Wager on various dates from 2002 to 2008 (details in Para 4.2 of the O.A) against regular vacancies. Further in the year 2012, the respondents issued Tender for providing the employees (outsourcing) to the Department and thereafter w.e.f. 17.04.2012, the Department is taking the services of the applicants through the contractor. It is the case of the applicants that similarly placed employees have been regularised by respondent No.3 on 16.08.2019 (Annexure A-7).

2. The applicants have, therefore, sought for the following reliefs:

“8. RELIEF SOUGHT:- In view of the facts mentioned in para 6 above of this application, the humble applicants prays for following relief (s):

8.1 That, this Hon’ble Tribunal may kindly be pleased to issue a direction against the respondents and in favor of the applicants that, as the applicants has served more than 10 years in the respondents department consider the name of the applicants for regularization on the post on which the applicants is working w.e.f after 10 years service with all consequential and monetary benefits.

8.2 That, this Hon’ble Tribunal may kindly be pleased to Set aside the action of the respondents in engaging the applicants through contractor in the light of the decision of this Hon’ble Tribunal at Jodhpur Bench and Hon’ble Apex Court, and also may be pleased to direct the respondents to employ the applicants directly to department as per the earlier arrangements.

8.3 That, this Hon’ble Tribunal may be pleased to direct the respondents to disburse the Regular salary to the applicants as per their engagement i.e 1/30th of the pay in the relevant pay scale in accordance with and to refix and grant the arrears after revising from time to time as per the recommendation of the Central pay commission (5th, 6th, & 7th) as has been already given to the other similar persons in the other states.

8.4 That the application may be allowed with cost.

8.5 That, any other relief which the Hon’ble Tribunal deems fits in favor of the applicants and against the

respondents, and deemed just and proper to meet the ends of justice may kindly be granted.”

3. Learned counsel for the applicants submits that the applicants have been sending the representation to the respondents, the last being on 02.08.2019 (page 97) and 18.08.2019 (page 105) (Annexure A-11 collectively), which have not been decided yet. At this stage, he submits that the applicants would be satisfied if the respondents are directed to consider and decide the said representations in a time-bound manner.

4. Learned counsel for the respondents, appearing on advance copy of the O.A, vehemently opposed disposal of the O.A in this manner and submits that the applicants are not the employees of the Department.

5. We have considered and find that respondent department, through Annexure A-5 (page 32 and 35) dated 06.09.2016 and 06.10.2016, have indicated that the applicants have been engaged on various dates. Therefore, without going into the merits of the case, we dispose of this Original Application at the admission stage itself with a direction to the competent authority of the respondent department to decide the

representation dated 02.08.2019 (page 97) and 18.08.2019 (page 105) of Annexure A-11, if not already decided, within a period of 90 days from the date of receipt of certified copy of this order. The decision, so taken, shall also be communicated to the applicants.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-