

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00245/2019

Jodhpur, this the 27th September, 2019

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

1. Mahender Kumar Ramawat son of Sh. Gopal Das Ramawat, aged 36 years, at present employed as Casual Data Entry Operator (MTS) in the office of ITO, Ward-2(2), Bikaner.
2. Kamal Kishore Swami son of Sh. Hanuman Das Swami, aged about 34 years, at present employed as Casual Data Entry Operator (MTS), in the office of CIT (A), Bikaner.
3. Vimal Kuamr Swami son of Sh. Niranjana Lal Swami, aged 40 years, at present employed as Casual Data Entry Operator (MTS) in the office of ITO, Ward-1(3), Bikaner.
4. Krishan Kumar Kansara son of Sh. Manohar Lal Kansara, aged about 31 years, at present employed as Casual Data Entry Operator (MTS), in the office of JCIT, Range-1, Bikaner.
5. Shiv Kumar Swami son of Sh. Hanuman Das Swami, aged about 38 years, at present employed as Casual Data Entry Operator (MTS) in the office of ITO, Ward-1(1), Bikaner.
6. Shravan Kumar Shankhla son of Sh. Magha Ram Shankhla, aged about 29 years, at present employed as Casual Data Entry Operator (MTS) in the office of ITO, Ward-2(1), Bikaner.
7. Hari Prakash Suthar son of Sh. Kishan Lal Suthar, aged about 37 years, at present employed as Casual Data Entry Operator (MTS), in the office of ITO, Ward-1(4), Bikaner.
8. Nirmal Kumar Kheriwal son of Sh. Surja Ram Kheriwal, aged about 42 years, at present employed as Casual Data Entry Operator (MTS) in the office of ITO (Tech.), Bikaner.
9. Jitendra Jhungh son of Sh. Champa Lal Jhungh, aged about 40 years, at present employed as Casual Sweeper (MTS) in the office of ITO (H), Bikaner.

10. Mahender Singh Parihar son of Sh. Gulab Singh Parihar, aged about 33 years, at present employed as Casual Waterman (MTS), in the office of CIT (Appeal), Bikaner.
11. Ram Swaroop Meena son of Sh. Mohan Lal Meena, aged about 41 years, at present employed as Casual Peon (MTS) in the office of ITO (HQ), Bikaner.
12. Raj Kumar Barupal son of Sh. Dala Ram Barupal, aged 42 years, at present employed as Casual Waterman (MTS), in the office of ACIT, Circle-1, Bikaner.
13. Ravindra Kumar son of Sh. Banwar Lal, aged about 30 years, at present employed as Casual Waterman (MTS), in the office of Pr CIT, Bikaner.
14. Sharwan Kumar Meghwal son of Sh. Gebi Ram Meghwal, aged about 40 years, at present employed as Casual Waterman (MTS), in the office of ITO (Tech.), Bikaner.
15. Rajesh Kumar Jhung son of Sh. Champa Lal Jhung, aged about 37 years, at present employed as Casual Sweeper (MTS) in the office of ITO (HQ), Bikaner.

Address for correspondence:

C/o Nirmal Kumar Kheriwal son of Sh. Surja Ram Kheriwal,
R/o 33, Chankaya nagar, Old Shiv Bari Road, Bikaner-
334003.

.....Applicants

By Advocate : Mr A.K. Kaushik.

Versus

1. Union of India through Secretary to Govt. of India, Ministry of Finance, Department of Revenue, North Block, New Delhi-110001.
2. Principal Chief Commissioner of Income Tax, C R Building, Statute Circle, B D Road, Jaipur 302001.
3. Chief Commissioner of Income Tax, Paota C Road, Jodhpur-342001.

.....Respondents

By Advocate : Mr Sunil Bhandari.

ORDER (Oral)

Per Smt. Hina P. Shah

The present OA has been filed by the applicant(s) under Section 19 of the Administrative Tribunals Act, 1985 seeking direction on the respondents to consider their candidature for conferment of grant of temporary status from the date they have completed requisite period of service by applying ratio of judgments referred to by them, for all purposes.

2. Today, when the matter was taken up for admission-hearing, at the outset Mr A.K. Kaushik, learned counsel for the applicant submits that applicants would be satisfied if respondents are directed to treat the present OA as their representation and dispose such representation in a time-bound manner taking into consideration the judgment of CAT Jaipur Bench dated 23.08.2019 passed in OA No. 489/2019 wherein coordinate Bench of this Tribunal at Jaipur in similar case directed the respondents to treat the OA of applicants therein as representation and pass a reasoned speaking order over same while keeping in view the judgment dated 26.07.2012 rendered by the Hyderabad Bench of the Tribunal in OA No. 613/2011.

3. Mr Sunil Bhandari put his appearance on behalf of respondents today and submitted that he does not wish to file reply. He further submits that the respondents have no objection

if present OA is disposed of with the direction to the respondents to not only consider the judgment of CAT Hyderabad Bench referred to by learned counsel for the applicant but also other relevant Hon'ble Supreme Court judgments on the subject matter while passing the reasoned and speaking order on the representation of the applicants.

4. In view of limited prayer made by the applicants, without going into merits of the case, Respondents are directed to treat the present OA as applicants' representation and pass a reasoned and speaking order on the same as per law keeping in mind judgment dated 26.07.2012 rendered by CAT Hyderabad Bench in OA No. 613/2011 as well as other relevant Hon'ble Supreme Court judgments, if any, on the subject matter within 02 months from the date of receipt of a copy of this order. It is further directed that respondents shall afford the applicants an opportunity of hearing before making any decision on such representation.

5. In terms of above directions, OA is disposed of with no order as to costs.

[Hina P. Shah]
Judicial Member

Ss/-