

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00243/2019

Jodhpur, this the 27th September, 2019

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

1. Gauri Shankar S/o Sh. Kishan Lal Maru, aged about 53 years, R/o Ward No.18, Naiyon-Ka-Mohulla, Napasar, Bikaner, at present employed as Casual Chowkidar (MTS) in the office of Assistant Commissioner of Income Tax (Central), Bikaner.
2. Mohd Umar S/o Sh Anwar Ali, aged about 46 years R/O-Telyeon-Ka-Mohulla, near School No.9, Fad Bazar, Bikaner at present employed as Casual Waterman (MTS), in the office of Assistant Commissioner of Income Tax (Central), Bikaner.

.....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/-