

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**OA/020/446/2019 &
MA/20/366/2019**

Dated: 30.04.2019

Between:

1. B. Eswara Rao, S/o. Narasimha Murthy, Aged about 40 Years, Occ: Casual Labour, O/o Additional Director Of Income Tax (Investigation), Unit ó III, 5th Floor, Direct Taxes Building, Sector ó 8, MVP Colony, Visakhapatnam, R/o. H. No. 35-9-26, R P Peta, Kancharapalem, Visakhapatnam, Visakhapatnam District. ó 530008.
2. B. Prasad, S/o. B. Krishna, Aged about 42 Years, Occ: Casual Labour, O/o Additional Director Of Income Tax (Investigation), Unit ó III, 5th Floor, Direct Taxes Building, Sector ó 8, MVP Colony, Visakhapatnam, R/o. D. No. 7-10-32, Andhra University Outgate down, Chinawaltair, Visakhapatnam, Visakhapatnam District. ó 530017.
3. M. Srinivasa Kondala Rao, S/o. Chinnayya, Aged about 39 Years, Occ: Casual Labour, O/o Additional Director Of Income Tax (Investigation), Unit ó III, 5th Floor, Direct Taxes Building, Sector ó 8, MVP Colony, Visakhapatnam, R/o. D. No. 1-8-8, Gandhi Nagar, Anjayya Colony, Anakapalli, Visakhapatnam District ó 531001.
4. Md. Rahaman Ali, S/o. Md. Jaheeruddin, Aged about 43 Years, Occ: Casual Labour, Working under Joint Director of Income Tax (Systems), O/o. Commissioner of Income Tax (Admin & TPS), 3rd Floor, A.C.Guards, Masab Tank, IT Towers Hyderabad, R/o. H. No 16-2-748/32/A, Mumthas Colony, Asmangad, Saidabad, Hyderabad ó 500059.
5. S. Anji Naik, S/o. Saki Lakshma Naik, Aged about 44 Years, Occ: Casual Labour, O/o. Income Tax Office, Ward ó 1, B. T. Compound, R.S.Road, Hindupur, R/o. NNC Tanda Post, Somandepalli Mandal, Penukonda (T), Anantapur District ó 515122.

6. R. Satyanarayana, S/o. Sree Ramulu, Aged about 36 Years, Occ: Casual Labour, O/o Additional commissioner Of Income Tax, Central Range, 5th Floor, Direct Taxes Building, Sector ó 8, MVP Colony, Visakhapatnam, R/o. D. No. 4-48/1, Chandrampalem, Madhurawada, Visakhapatnam, Visakhapatnam District. ó 530048.
7. S. Appa Rao, S/o S. Chittayya, Aged about 42 Years, Occ: Casual Labour, O/o. Chief Commissioner of Income Tax, 3rd Floor, Aayakar Bhavan, Dabagardens, Visakapatnam, Warangal range (I/C), Warangal, R/o. D. No ó 9-1-158/4, Sidartha Nagar, New Rasivanipalem, Visakapatnam, Visakapatnam District ó 530012.
8. Chandan Sing Negi, S/o. Gopal Singh Negi, Aged about 39 Years, Occ: Casual Labour, O/o, Principal Commissioner of Income Tax (Welfare), 10th Floor, D Block, IT Towers, Hyderabad R/o. C-63, Income Tax Colony, Rd No 12, Banjara Hills, Hyderabad ó 500034.
9. P Lakshmi, W/o. P. Venkatesh, Aged about 35 Years, Occ: Casual Labour, O/o. Principal Director of Income Tax(Inv), 8th Floor, Aayakar Bhavan, Basheerbagh, Hyderabad, R/o. 10-5-39/55/5, Syed Nagar, Asif Nagar, Hyderabad ó 500028.
10. T. Siva Kesava Rao, S/o. T. Narayana, Aged about 46 Years, Occ: Casual Labour, O/o Additional commissioner Of Income Tax, Central Range, 5th Floor, Direct Taxes Building, Sector ó 8, MVP Colony, Visakhapatnam, R/o. H. No. 44-38-7/6, Srinivasa Nagar, near Vinayaka Temple, Akkayyapalem, Visakhapatnam, Visakhapatnam District. ó 530016.
11. P. Vijay Kumar, S/o. Bhoja Raju, Aged about 34 Years, Occ: Casual Labour, Working in PRO Section, O/o. Principal Commissioner of Income Tax, Ground Floor, IT Towers, Hyderabad, H/No. 167/3 RT, Ground Flooe Vijaya Nagar Colony, Mehdipatnam, Hyderabad ó 500028.
12. N. Hemadri, S/o. K. Narayanaswamy, Aged about 43 Years, Occ: Casual Labour, O/o Income Tax Office, Gandhi Road, Chittoor, R/o. H. No. 5-511, Mangasamadrum, Santhapet Post, Chittoor ó 517004.

13. B. Naresh Kumar, S/o B. Babu Rao, Aged about 33 Years, Occ: Casual Labour, O/o. Additional Commissioner of Income Tax, Range 15, I.T Towers, A.C.Guards, Masab Tank, Hyderabad, R/o. 18-6-1071, Balagunj, Laldarwaja, Bandlaguda, Charminar, Falaknuma, Hyderabad ó 500053.
14. B. Chandrakala, W/o. B. Gopal, Aged about 43 Years, Occ: Casual Labour, O/o. Income Tax Office, Ward ó 1, B. T. Compound, R.S.Road, Hindupur, R/o. 17-6-96, New Hasnabad, Hindupur ó 515201.
15. V. Suryanarayana, S/o. V. Mutyalu, Aged about 51 Years, Occ: Casual Labour, O/o Additional Director Of Income Tax (Investigation), Unit ó III, 5th Floor, Direct Taxes Building, Sector ó 8, MVP Colony, Visakhapatnam, R/o. D. No. 54-2-73/7, Ambedkar Colony, Isukathota, H B Colony, Visakhapatnam, Visakhapatnam District. ó 530022.
16. H. Tulsiram, S/o. H. Vittal, Aged about 48 Years, Occ: Casual Labour, O/o. Principal Commissioner of Income Tax (Central), 7th Floor, Aayakar Bhavan, Basheerbagh, Hyderabad, R/o. 13-1-1236/219, Guffa Nagar (New Indra Nagar), Mangalhat, Hyderabad ó 500006.
17. P. Shiv Shankar, S/o. P Eshweriah, Aged about 40 Years, Occ: Casual Labour, O/o. Principal Commissioner of Income Tax (Central), Aayakar Bhavan, L B Stadium Raod, Band Colony, Adarsh Nagar, Hyderabad, R/o. 16-5-389/38, Farath Nagar, Dabllrpura, Hyderabad ó 500024.
18. Kotha Lavanya, W/o Yadhavendhar, Aged about 47 Years, Occ: Casual Labour, O/o. Principal Commissioner of Income Tax ó 5, 10th Floor, Signature Tower, Opp : Botanical Garden, Kondapur, Hyderabad, R/o. 3-16-110/703, Vasavi Nagar, Street No ó 4, Ramanthapur, Uppal, Hyderabad ó 500013.
19. Syed Khader, S/o. Syed Mehboob, Aged about 32 Years, Occ: Casual Labour, O/o. Additional Commissioner of Income Tax, Range 16, 2nd Floor, B Block, IT Towers, A C Guards, Hyderabad, R/o. 3-6-762/28, Street No 14, Himayath Nagar, Hyderabad -500027.
20. T. Hemamalini, D/o. T. S. Umashanker, Aged about 46 Years, Occ: Casual Labour, O/o Joint Director (Systems), Commissioner of Income Tax (Admin & TPS), 3rd Floor, IT Towers, A C Guards, Hyderabad, R/o. H. No 8-1-18, Market Street, Secunderabad ó 500003.

21. K. Hanumanthu, S/o. K. Pentaiah, Aged about 37 Years, Occ: Casual Labour, O/o. Director General of Income Tax (Inv), 8th Floor, Aayakar Bhavan Basheerbagh, Hyderabad r/o. 5-9-22/105/4A, Sanjay Gandhi Nagar, Aadarsh Nagar, Hyderabad ó 500063.
22. G. Y. Sunitha, D/o. G. Yadagiri, Aged about 43 Years, Occ: Casual Labour, O/o. Chief Commissioner of Income Tax, 9th Floor, D Block, I T Towers, A C Guards, Masabtank, Hyderabad, R/o. 5-3-389, Hyder basti, Zeera, Ranigunj, Secunderabad ó 500003.
23. N. Raju, S/o N. Nagendrappa, Aged about 38 years, Occ: Casual Labour, O/o. The Income Tax Officer, Ward - I, Aayakar Bhavan, Aspari Road, Near RTC Bus Stand, Adoni, R/o. 20-62-107, Narananagunta, Raichoti Colony, Adoni ó 518301.
24. V. Rajeswari, W/o V. Nooka Raju, Aged about 42 years, Occ: Casual Labour, O/o. The Income Tax Officer, Ward - I, Aayakar Bhavan, Sajjapuram, Tanuku, West Godavari District, R/o. H. No. 35-29-2, Income Tax Quarters, Tanuku, West Godavari District - 534211.
25. Shafi Bin Sayeed, S/o. Nasar Bin Sayeed, Aged about 30 Years, Occ: Casual Labour, O/o. Additional Commissioner of Income Tax, Range - 3, 7th Floor, Signature Towers, Kondapur, Hyderabad, R/o. 8-1-43/1/A, Pioneer Enclave, Shaikpet, Sagar Colony, Golconda, Hyderabad ó 500008.
26. V. Narsimha Reddy, S/o. V. Subba Reddy, Aged about 54 Years, Occ: Casual Labour, O/o. Principal Chief Commissioner of Income Tax (Welfare Section), AP and TS, A C Guards, Masabtank, Hyderabad, R/o. H. No. 2-2-1105/4/A/E/3, New Nallakunta, Hyderabad.
27. P. Sailu, S/o. P. Thippanna, Aged about 38 Years, Occ: Casual Labour, O/o. Additional Commissioner of Income Tax (Judicial), 8th Floor, D Block, I T Towers, A C Guards, Masabtank, Hyderabad, R/o. C-3-35-911, Gandhi Nagar, East Marredpally, Secunderabad ó 500026.
28. S. Sai Kumar, S/o. S. Siddappa, Aged about 36 Years, Occ: Casual Labour, O/o. Commissioner of Income Tax(Audit), 8th Floor, D Block, I T Towers, A C Guards, Masabtank, Hyderabad, R/o. 10-1-629/1, Chintal Basti, Khairatabad, Hyderabad ó 500004.

29. K. Samrajyavani, D/o. G. Durga Rao, Aged about 43 Years, Occ: Casual Labour, O/o. Joint Director of Income Tax (Systems), 3rd Floor, I T Towers, A C Guards, Masabtank, Hyderabad, R/o. 5-134, Postoffice Road, Fathe Nagar, Balanagar, Hyderabad- 500018.
30. V. Swarupa Devi, W/o. V. Karuna Rao, Aged about 50 Years, Occ: Casual Labour, O/o. Principal Commissioner of Income Tax, Ap & TS, Prosecution Section, 9th Floor, D Block, I T Towers, A C Guards, Masabtank, Hyderabad, R/o. 101/1, Innurm Colony, Abdullapur, Kavaddipalli, Ranga Reddy District, Hyderabad ó 501505.
31. P. Ravi Kumar, S/o. P Solaman, Aged about 35 Years, Occ: Casual Labour, O/o Income Tax Officer, Ward - 1, Sanjeev Nagar, Nandyal, Kurnool District R/o. 3-114, S C Colony, Pesaravayi, Gadivemula, Kurnool Districtó 518513.
32. Y. Gnana Sagar, S/o. Y. Nancharaiah, Aged about 35 Years, Occ: Casual Labour, O/o, Principal Commissioner of Income Tax, AP & TS, I T Towers, A C Guards, Masabtank, Hyderabad, R/o. D. No. 21-1-11, R L Pet, Tenali, Guntur District ó 522201.
33. B. Pentanna, S/o. B. Shivanna, Aged about 30 Years, Occ: Casual Labour, O/o. Principal Chief Commissioner of Income Tax, 10th Floor, C- Block, I T Towers, A C Guards, Masabtank, Hyderabad, R/o. Bidekanna, Jharasangam, Sangareddy District ó 502246.
34. B. Raju, S/o. B. John, Aged about 39 Years, Occ: Casual Labour, O/o Principal Commissioner of Income Tax (Central), Aayakar Bhavan, 7th Floor, Basheerbagh, Hyderabad, R/o. 6-1-521/F, Babu Jagjeevanram Nagar, Khairatabad, Hyderabad ó 500004.
35. D. Shobha Rani, W/o. D. Yadagiri, aged about 45 years, Occ: Casual Labour, O/o. Commissioner of Income Tax (Appeals), 6th floor, Aayakar Bhavan, Basheerbagh, Hyderabad, R/o.1-39/27, Rasoolpura, Arjun Nagar, Secunderabad ó 500 003.

í Applicants

AND

1. The Union of India Represented by The Principal Chief Commissioner of Income Tax, Cadre Controlling Authority, Andhra Pradesh & Telangana, Income Tax

Department Government of India, Ministry of Finance,
Department of Revenue, 10th Floor, C ó Block, I.T
Towers, A C Guards, Hyderabad.

2. The Chief Commissioner of Income Tax, Hyderabad, 9th
Floor, I.T Towers, A C Guards, Hyderabad.
3. The Chief Commissioner of Income Tax, Vijayawada,
S V R Plaza, 3rd Floor, Near Hotel Sree Square,
Moghalrajpuram, Tikkle Road, 1st Line, Vijayawada,
Andhra Pradesh.
4. The Chief Commissioner of Income Tax,
Vishakapatnam, Dhaba Gardens, Aayakar Bhavan,
Vishakapatnam.

... Respondents

Counsel for the applicant : Mr. A.V.V.S Bhujanga Rao

Counsel for the respondents : Mrs. K. Rajitha, Sr. CGSC

CORAM:

Hon'ble Mr. Justice R. Kantha Rao, Member (J)

Hon'ble Mr. B.V. Sudhakar, Member (A)

ORAL ORDER

[Per Hon'ble Mr. Justice R. Kantha Rao, Member (J)]

Heard Mr. AVVS Bhujanga Rao, learned counsel appearing for the
applicant and Mrs. K. Rajitha, learned Senior Standing Counsel appearing
for the respondents.

2. MA/20/366/2019 filed for joining together is allowed.

3. The applicants are working as Casual Workers in various offices of
the Income Tax Department. They have been engaged for several years in

anticipation of regularisation, particulars of which are mentioned in Annexure-I to the OA. Similarly situated employees in Central Excise Department approached this Tribunal by filing OAs; 312, 313, 322 of 2015 before Central Administrative Tribunal, Bangalore Bench and O.A.No.97/2009 before Central Administrative Tribunal, Hyderabad Bench. The Tribunal allowed the OAs and the applicants therein 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 also submitted that recently, the Honøble 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 representations dated 12.12.2017 and 21.06.2018 in response to which, the Department stated that as the applicants are not one of the parties to the OAs, they cannot be extended the benefit of temporary status under the Order No.95/1999-2000/PERSONNEL dated 28.12.1999.

4. We are 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. In spite of the Tribunal passing an order that the same relief has to be granted to the similarly situated persons, the department is driving the employees to Court to seek the relief though the matter is settled. Therefore, the respondents are directed to grant the relief without subjecting the employees to approach the Tribunal again and again. In this context, we are inclined to observe that in similar matters, the Honøble Apex Court also expressed the opinion that when a matter has reached finality, the employees shall not be subjected to approach the Courts again

and again. The respondents are, therefore, directed to consider and dispose of the representations dated 12.12.2017 and 21.06.2018 submitted by the applicants and confer the same benefit which was conferred on the candidates mentioned in the Order No.95/1999-2000/PERSONNEL dated 28.12.1999, 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 (A)

(JUSTICE R. KANTHA RAO)
MEMBER (J)

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