

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

**OA/021/447/2019 &
MA/21/367/2019**

Dated: 30.04.2019

Between:

1. M. Srikanth, S/o. M. Ravinder, Aged about 24 Years, Occ: Casual Labour, O/o. Principal Commissioner of Income Tax - 3, 8th Floor, Signature Towers, Kondapur Hyderabad, R/o. 5-25-509/1, Sri Ramnagar, Gajularamaram, Quthbullapur, Hyderabad ó 500055.
2. K. Vijay Kumar, S/o. Demullu, Aged about 36 Years, Occ: Casual Labour, O/o. Chief Commissioner of Income Tax, 3rd Floor, Aayakar Bhavan, Dabagardens, Visakahapatnam, R/o. D. No 26-6-3/1, Prasad Gardens, Near Satyanarayana Plaza, Poorna Market, Visakapatnam, Visakapatnam District ó 530001.
3. Dhilod Vikas Babu, S/o. Dhilod Jai Kishan, Aged about 33 Years, Occ: Casual Labour, O/o. Principal Chief Commissioner of Income Tax, AP & TS, 10th Floor, B-Block, I T Towers, A C Guards, Masabtank, Hyderabad, R/o. 177, EWS Quarters, Near Ambedkar College, Baghlingampally, Musheerabad, Hyderabad ó 500044.
4. Vallipi Nagaraju, S/o. Vallipi Ramappa, Aged about 33 Years, Occ: Casual Labour, O/o. Additional Commissioner of Income Tax , Range - 16, 2nd Floor, B-Block, I T Towers, A C Guards, Masabtank, Hyderabad, R/o. H. No. 6-15, Chintamanupalli, Daburuvaripalli, Ananthpur district ó 515531.
5. Sk. G. Jahangeer, S/o. Mahammad Shareef, Aged about 27 Years, Occ: Casual Labour, Working under Joint Director of Income Tax (Systems), O/o. Commissioner of Income Tax (Admin & TPS), 3rd Floor, I T Towers, A C Guards, Masabtank, Hyderabad, R/o H. No. 2-56 Near Ramalayam Temple, Dodleru Post, Krosuru Mandal, Guntur District ó 522410.
6. Akula Srilakshmi, D/o. Grandhi Satyanarayana, Aged about 38 Years, Occ: Casual Labour, O/o. Income Tax Office, Aayakar Bhawan, Opp: Ganesh Canteen, J.P.Road, Bhimavaram, R/o. D. No ó 3-6-25/2, Chakka

Vari Street, Near Town Railway Station Road,
Bhimavaram ó 534202.

7. Cherala Nagaraju, S/o. C. Karan, Aged about 37 Years, Occ: Casual Labour, O/o Additional Commissioner of Income Tax (Audit), 8 B, Income Tax Towers, A C Guards, Masabtank, Hyderabad, R/o H. No. 8-1-105/6/B, Sita Nagar, Shaikpet, Golconda, Hyderabad ó 500008.
8. P. Venkatesh, S/o. P. Yadaiah, Aged about 42 years, Occ : Casual Labour, O/o Commissioner of Income Tax (Judicial), 8 Floor, A Block, I T Towers, A C Guards, Masabtank, Hyderabad R/o. 5-47, Lal Gadi, Malakpet, Shameerpet Mandal, Hyderabadó 500078.
9. Nalla Suman, S/o. N. Satyanarayana, Aged about 29 Years, Occ: Casual Labour, O/o. Addl Commissioner of Income Tax (TDS), Range 2, 9th Floor, D ó Block, I.T Towers, Hyderabad, R/o. 17-9-532, Yakutpura, Hyderabad - 500023.
10. M. Mahesh, S/o. M. Prakash, Aged about 33 Years, Occ: Casual Labour, O/o. Chief Commissioner of Income Tax AP & TS, (Welfare Section), 10th Floor, D ó Block, I.T Towers, Hyderabad, R/o. 6-6-426/47, Chacha Nehru Nagar, Secunderabad - 500080.
11. B. Paramesh, S/o. B. Laxmaiah, Aged about 29 Years, Occ: Casual Labour, O/o. Pr. Director of Income Tax (Inv), 8th Floor, A ó Block, Aayakar Bhavan, Basheerbagh, Hyderabad, R/o. 29-1502/29, Kakatiya Nagar, Malkajgir, Hyderabad - 500056.
12. E. Satyanarayana, S/o. E. Ellaiah, Aged about 47 Years, Occ: Casual Labour, O/o. Joint Commissioner of Income Tax, Warangal, R/o. 11-23-78, Lothukunta, L.B.Nagar, Warangaló506002.
13. K. Ravindranath, S/o. Jacob, Aged about 49 Years, Occ: Casual Labour, O/o Commissioner of Income Tax (Appeals), 2nd Floor, SVR Plaza, Siddhartha Public School Rd., Revenue Colony, Moghalrajpuram, Vijayawada, R/o. Door No. 32-11-1/1, Sashikala Nilayam, Mogalrajpuram, Vijawada-530010.
14. Ch. Kapil, S/o. Rajesh, Aged about 29 Years, Occ: Casual Labour, O/o. Addl Commissioner of Income Tax (TDS), Vijayawada, R/o. 5-124, Kesarapalli Post, Gannavaram Mandal, Krishna District.

15. P. Varalaxmi, W/o. P. Phani Kumar, Aged about 38 Years, Occ: Casual Labour, O/o. Addl Commissioner of Income Tax, Range - 1, 2nd Floor, C. R. Buildings, M. G. Road, Vijayawada, Krishna District, R/o. 32-11/4/9/14, Gummadi Vari Veedi, Mogalaraj Puram, Venkateswara Puram, Vijayawada (U), Krishna District 520010.
16. Banala Thomas, S/o. B. John, Aged about 30 Years, Occ: Casual Labour, O/o. Addl Commissioner of Income Tax (Audit), 8th B, Income Tax Towers, Masab Tank, Hyderabad, R/o. 6-1-521/9, BJR Nagar, Khairathabad, Hyderabad - 500004.
17. J. Rajesh, S/o. J. Shanker, Aged about 33 Years, Occ: Casual Labour, O/o. Commissioner of Income Tax (TDS), 4th Floor, A ó Block, I.T Towers, R/o. 5-3-320/40, Goshamahall, Nampally, Hyderabad.
18. G. Sandeep, S/o. Hanslal, Aged about 29 Years, Occ: Casual Labour, O/o. Pr. Addl Commissioner of Income Tax (Tech), 9th B, I.T Towers, A. C Guards, Masab Tank, Hyderabad, R/o. 20-01-77, Purana Pool, Galbha Veedhi, Bahadurpur, Hyderabad - 500064.
19. Santhosh Goswamy, S/o. Narsing Ban Goswamy, Aged about 49 Years, Occ: Casual Labour, O/o. Addl Commissioner of Income Tax (TDS), Range -1, 9 th Floor, B ó Block, I.T Towers, AC Guards, Masab Tank, Hyderabad, R/o. 14-10-1194, Jalli Hanuman, Dholpet, Hyderabad - 500006.
20. V.V. Vara Prasad Rao, S/o. V. Nagabhushanam, Aged about 41 Years, Occ: Casual Labour, O/o. Chief Commissioner of Income Tax Hyderabad, 9th A, IT Towers, AC Guards, Masab Tank, Hyderabad, R/o. 17-2-258/8/4/B, Madannpet, Sai-Lal-Thota, Saidabad, Hyderabad - 500059.
21. Viswanath Anand Kumar, S/o. Viswanath Gyaneshwar, Aged about 45 Years, Occ: Casual Labour, O/o. Pr. Chief Commissioner of Income Tax AP & TS, PRO Section, IT Towers, AC Guards, Masab Tank, Hyderabad, R/o. 13-2-524, Raheempura, Asifnagar, Hyderabad - 500006.
22. M. L. Satyanarayana Murthy, S/o. M. Ramakrishna Rao, Aged about 35 Years, Occ: Casual Labour, O/o. Additional Commissioner of Income Tax, Sri Deepthi Towers, 4th Floor, Main Road, Kakinada R/o. D. No. 61-2-72b, Komali Vari Street, T.J.Ramaraopeta, Kakinada - 533002.

23. Syed Shabbir, S/o. Syed Mazher, Aged about 35 Years, Occ: Casual Labour, O/o. Commissioner of Income Tax (A) - 2, 5th Floor, Signature Towers, Kondapur, Hyderabad, R/o. 19-3-262/117/A, Jahanuma, Charminar, Falaknuma, Hyderabad - 500053.
24. P. Chandra Kumar, S/o. P. Nageswara Rao, Aged about 29 Years, Occ: Casual Labour, O/o. Additional Commissioner of Income Tax, Sri Deepthi Towers, 4th Floor, Main Road, Kakinada, R/o. D. No 39-4-1/1, Vivekananda Street, Suryanarayana Puram, Kakinada 533001.
25. Kaligithi Madhu, S/o. K. Eliyya, Aged about 33 Years, Occ: Casual Labour, O/o. Income Tax Office, Aayakar Bhawan, Opp: Ganesh Canteen, J.P.Road, Bhimavaram, R/o. D. No 25-9-141, Gandhi Nagar, Gollavanitippa Road, Bhimavaram 534202.
26. D. Gopi Naik, S/o. D. Thavare Naik, Aged about 45 Years, Occ: Casual Labour, O/o. Income Tax Office, Ward 1, G. K. Reddy Complex, CTM Road, Madanapalle, Chittoor District, R/o. III-169-13, 164-3-1, Rama Rao Colony, Madanapalle, Chittoor District - 517325.
27. G. Venkateswara Rao, S/o. G. Nageswara Rao, Aged about 38 Years, Occ: Casual Labour, O/o. Principal Commissioner of Income Tax, 4th Floor, Rajkamal Complex, Lakshmipuram Main Road, Guntur, R/o. Ananthavaram Village, Thulur Mandal, Tadikonda (TL) Guntur District.
28. J. Vishal, S/o. J. Santosh, Aged about 23 Years, Occ: Casual Labour, PRP Section O/o. Pr. Commissioner of Income Tax-6 Hyderabad, IT Towers, AC Guards, Hyderabad, R/o. 14-4-312, Shiva Nagar, Begum Bazar, Hyderabad.
29. M. Karan, S/o. M. Kishan, Aged about 43 Years, Occ: Casual Labour, O/o. Addl Commissioner of Income Tax (TDS), Range - 2, 4th Floor, D Block, I.T Towers, AC Guards, Masab Tank, Hyderabad, R/o. 14-9-318, Chudi Bazar, Begum Bazar, Nampally, Hyderabad - 500012.
30. J. Mahesh, S/o. J. Kumarswami, Aged about 36 Years, Occ: Casual Labour, O/o. Commissioner of Income Tax (Appeals) - 3, Signature Towers, Kondapur, Hyderabad, R/o. 8-30/8/10/B, New Hema Nagar, Uppal, Hyderabad.

31. K. Sudhakar, S/o. K. Sailoo, Aged about 33 Years, Occ: Casual Labour, O/o. Addl Commissioner of Income Tax (TDS), Range - 14, I.T Towers, AC Guards, Hyderabad, R/o. 9-5-27/B, Ibrahimbagh, Golkonda Post, Hyderabad-500031
32. Md. Shabeer, S/o. Md. Zakir, Aged about 27 Years, Occ: Casual Labour, O/o. Addl Commissioner of Income Tax (TDS), Range - 16, 2nd Floor, B ó Block, I.T Towers, AC Guards, Hyderabad, R/o. 16-2-750/34, Sapota Bagh, Saidabad, Hyderabad - 500059.
33. G. Chandra Kala, W/o. G. Ganesh, Aged about 43 Years, Occ: Casual Labour, O/o. Pr. Chief Commissioner of Income Tax - AP & TS, Infrastructure Section, I.T Towers, AC Guards, Hyderabad, R/o. 6-7-377/5/4, Bansilalpet, Secunderabad - 500003.
34. P. Suresh Anand, S/o. P. Anand Rao, Aged about 38 Years, Occ: Casual Labour, Working under Deputy Director (Systems) O/o. Commissioner of Income Tax (Adm.& TPS), I.T Towers, AC Guards, Hyderabad, R/o. 9-1-365/2/201, Prashant Nagar, Langer House, Hyderabad - 500008.
35. Saleem Uddin, S/o. Naseer Uddin, Aged about 29 Years, Occ: Casual Labour, O/o. Addl Commissioner of Income Tax, Range - 6, 6th Floor, B ó Block, I.T Towers, AC Guards, Hyderabad, R/o. 12-1-500, syed AliGuda, Murad Nagar, Asifnagar, Hyderabad - 500028.
36. Kotnala Sai, S/o. K. Appalanaidu, Aged about 25 Years, Occ: Casual Labour, O/o Commissioner Of Income Tax (Appeals ó III), 3rd Floor, Direct Taxes Building, Sector ó 8, MVP Colony, Visakhapatnam, R/o. H. No. 16-450/2, Jai Bheem Nagar, Arilova Colony, Krishnapuram, Visakhapatnam ó 530040.
37. P. Ambadas, S/o. Raja Yellaiah, Aged about 44 Years, Occ: Casual Labour, O/o Addl. Commissioner Of Income Tax, range -10, 5th Floor, A block, I T Towers, AC Guards, Hyderabad, R/o. H. No. 3-14-36/7/30/1, Street No. 5, Vivek Nagar, Ramanthapur, Hyderabad ó 500013.
38. M. Srikantha Chary, S/o. Vigneshwara chary, Aged about 30 Years, Occ: Casual Labour, O/o Addl. Commissioner Of Income Tax, range -10, 5th Floor, A block, I T Towers, AC Guards, Hyderabad, R/o. H. No. 3-4-90, Hyderguda, Rajendra Nagar, R.R. District, Hyderabad - 500048.
39. Shanmugham Ganesh, S/o. M. Devadas, Aged about 27 Years, Occ: Casual Labour, O/o Addl Commissioner of Income Tax, Range - 6, 6th Floor, B ó Block, I.T Towers, AC Guards,

Hyderabad, R/o. H. No. 12-10-416/8/7/D/1, State Bank Lane,
Sitafalmundi, Secunderabad - 500061.

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,m 1st Line, Vijayawada, Andhra Pradesh.
4. The Chief Commissioner of Income Tax, Vishakapatnam, Dhaba Gardens, Aayakar Bhavan, Vishakapatnam.

... Respondents

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

Counsel for the respondents : Mr. T. Hanumantha Reddy,
Sr. PC to CG

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 Mr. T. Hanumantha Reddy, learned Senior Panel Counsel appearing for the respondents.

2. MA/21/367/2019 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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