

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

Original Application No.21/982/2019

Date of Order: 06.11.2019

Between:

1. P.V.Lakshmi Narayana
W/o P. Venkatesh, Aged about 38 years,
Occ: Casual Labour, O/o Commissioner of Income Tax,
Range – 4, I.T. Towers, A.C.Guards, Hyderabad,
R/o H.No.1-4-100/4, Kamala Nagar,
Behind Raghavendra Srikara Hospital,
beside Dolphine Girls Hostel, Hyderabad.
 2. Jal Tar Babu, S/o J. Husenayya, Aged about 44 years,
Occ: Casual Labour, O/o Principal Commissioner of Income Tax,
Kurnool Charge, Kurnool, R/o 47-80-19, Budhavra Peta, Kurnool,
Kurnool District 508001.
 3. B. Ramesh, S/o B. Maddileti, Aged about 28 years,
Occ: Casual Labour, O/o Principal Commissioner of Income Tax,
Kurnool Charge, Kurnool, R/o H.No.8-63-77, Kanala Village,
Kurnool District – 518 593.
 4. V. Girija, W/o V. Govindu, Aged about 38 years, Occ:
Casual Labour, O/o Principal Commissioner of Income Tax,
Kurnool Charge, Kurnool,
R/o H.No.Chintala Muni Nagar, Kalluru Estate Kalluru Village and
Mandal, Kurnool District – 500 023.
 5. G. Rajeswari, W/o B. Mallikarjuna, Aged 38 years, Occ:
Casual Labour, O/o Principal Commissioner of Income Tax,
Kurnool Charge, Kurnool
R/o Bangarupeta, Kurnool Town,
Kurnool District – 518004.
- Applicants

AND

1. The Union of India Represented by The Principle Chief Commission of Income Tax, Cadre Controlling Authority Andhra Pradesh & Telangana, Income Tax Department Government of India,
Ministry of Finance, Department of Revenue,
10th Floor, C-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. Principal Commissioner of Income Tax, Kurnool Charge
Kurnool, Kurnool District.
4. The Joint Commissioner of Income Tax,
O/o Principal Commissioner of Income Tax,
Kurnool Charge, Kurnool, Kurnool District. ... Respondents

Counsel for the Applicants ... Mr.A.V.V.S.Bhujanga Rao
Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC

CORAM:

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

ORAL ORDER

2. The OA is filed by the applicants aggrieved by the action of the respondents in not conferring temporary status and regularizing their services.

3. Brief facts of the case are that applicants are working in the respondents organization with varying experience of 4 to 15 years and all of them have completed 240 days continuous service in a year in the said organization. Applicants have been directly engaged by the respondents and are receiving wages from them. According to

applicants, as per OM dated 11.12.2006 of DoPT, they are eligible for the relief sought. Applicants state that the Chief Commissioner of Income Tax, New Delhi has granted temporary status to 54 Casual Labourers, vide letter dated 28.12.1999, in terms of DoPT OM dated 10.09.1993. Similarly, the Office of the Commissioner of Customs, Pune, vide letter dated 02.07.2009, regularized the services of 15 Casual Labourers. Applicants claim that juniors to them, who were engaged in the years 1994, 1995 and 1997, were also granted temporary status. Applicants filed copies of some of the Casual Labourers, whose services have been regularized, in different places of the country by the respondents organization. Therefore, applicants are seeking same relief of temporary status and regularization on par with those, who have been considered by the respondents organization, as stated above. The cause of the applicants is also supported by the Judgment of the Hon'ble High Court of Andhra Pradesh, passed in Writ Petition No.26967 of 1999. Even, this Tribunal has provided relief of similar nature in OA No.97 of 2009, dated 05.04.2010. The orders of the Tribunal in the said case have been upheld by the Hon'ble High Court of Andhra Pradesh in Writ Petition No.26716 of 2010 by order dated 08.11.2010. Respondents contested the matter in SLP No.6357 of 2011 but it was dismissed on 02.03.2011 by the Hon'ble Apex Court. Respondents carried the matter to Hon'ble High Court of Andhra Pradesh in another

batch of Writ Petitions, namely, Writ Petition No.1208 of 2000 dated 25.09.2009, as well, but could not succeed. Based on the said judgments the applicants are seeking grant of temporary status and regularization of their services. As the same was not considered by the respondents, OA is filed.

4. Contentions of the applicants are that they have rendered the eligible service. Applicants need to be granted the relief, as has been granted to similarly situated persons working in the Central Government Departments, who approached the various Courts and got favourable orders, for grant of temporary status and regularization.

5. With the consent of both the parties, the matter has been taken up for hearing, without filing the reply of the respondents and without prejudice to the rights of either of the parties at the admission stage.

6. Heard both the learned counsel and perused the contents of OA and its Annexures.

7. (I) At the very outset, the learned counsel for respondents submitted that the applicants while making a representation for regularization have not appended the requisite documents so far to enable the respondents to take an appropriate decision in the matter. Therefore, she has submitted that the applicants be directed to submit

the relevant documents available with them for facilitation of early decision in the matter. Learned counsel for the applicants, opposed the aforesaid submission by stating that the respondents have full details of the applicants and, therefore, submission of any documents may not be necessary.

(II) The issue is about granting of temporary status and regularization of the services of applicants as was done in regard to employees mentioned in respondents Order dated 28.12.1999. The same issue fell for consideration by this Tribunal in OA 680/2019, decided on 31.07.2019, wherein it was directed as under:

“7. (I) The applicants are praying to grant temporary status and regularization of their services, as has been conferred to candidates mentioned in Order No.95/1999-2000/ personnel (F.No.P361/01/ Temporary Status/GP “D”/99-2000/8111, dated 28.12.1999). Applicants claim that they have rendered the service of required number of days of 206, as is required by the orders of DoPT in different OMs on the subject. Applicants point out that they are similarly placed like those in OA No.97/2009, OA No.414/2000. Further, applicants have also pointed out that the orders of the Tribunal in OA No.97/2009, have been carried all the way from the Hon’ble High Court of Andhra Pradesh to Hon’ble Supreme Court, wherein the decision of the Tribunal has been upheld. Therefore, their contention is that superior Courts, in principle, upheld grant of temporary status and regularization in accordance with the relevant rules on the subject.

(II) Consequently, their plea is that since they are similarly situated and working for respondents organization, they too, have to be granted similar relief.

(III) Based on the above facts, respondents may examine their request in the context of the directions of this Tribunal in earlier OAs cited supra as well as the orders of the superior judicial forums referred to in the OA, pertaining to the relief sought by the applicants, and thereafter issue a speaking and well reasoned order

within a period of three months from the date of receipt of a copy of this order. However, this would not preclude the respondents in taking available legal steps in accordance with law, if the averments made by the applicants in the OA are not correct.

With the above directions, the OA is disposed of with no order as to costs. MA No.588/2019, filed for joining together, is allowed.”

(III) The applicants are directed to submit a fresh representations along with the relevant documents available with them to the respondents within two weeks from the date of receipt of this order. Thereafter, the respondents are directed to dispose of the representations, to be filed by the applicants, within a period of 8 weeks from the date of receipt of such representation, in accordance with rules and law by issuing a speaking and well reasoned order.

With the above direction(s), the OA is disposed at the admission stage itself. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 6th day of November, 2019

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