

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

Original Application No.21/909/2019

Date of Order: 14.10.2019

Between:

1. S. Veeraswamy,
S/o S.Raju, Aged about 26 years
Occ: Casual Labour,
O/o Addl. Commissioner of Income Tax Range-6
I.T. Towers, A.C.Guards
Hyderabad, R/o 2-2-1093/41, Golnaka Bhagya Nagar
Hyderabad 500 013.
2. B. Raghav, S/o B. Rajender Kumar,
Aged about 26 years,
Occ: Casual Labour,
O/o Addl. Commissioner of Income Tax,
Range -6, I.T.Towers, A.C.Guards,
Hyderabad
R/o 17-7-483, Brahmanwadi,
Yakutpura,
Hyderabad – 500 023.
3. J. Panindra Chary
S/o J.Keshava Chary,
Aged about 30 years
Occ: Casual Labour,
O/o Additional Commissioner of Income Tax,
Range – 6, I.T. Towers, A.C.Guards, Hyderabad
R/o H.No.17-7-492, Brahmanwadi, Yakutpura,
Hyderabad – 500 023.
4. R. Mariyamma W/o Rajender
Aged 48 years,
Occ: Casual Labour
O/o Joint Commissioner of Income Tax,
Warangal Range (i/c), Warrangal,
R/o H.No.16-09-952, A.C.Reddy Nagar
Shiva Nagar Village, Warrangal. ... 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. ... 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. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

2. The OA is filed by the applicants aggrieved by the action of the respondents in not granting temporary status and regularisation of their services on par with other similarly situated casual labourers working in the same department and under the control of the same Ministry.

3. Brief facts of the case are that the applicants were engaged initially as Casual Labourers in the respondents organization for the last 4 years and all have completed 240 days continuous service. The plea of the applicants is that other similarly situated casual labourers, who have completed the minimum requisite number of working days in the respondents organization, were granted temporary status but the same

were not extended to them. Applicants state that they made representations dated 12.12.2017, 21.06.2018 and 03.08.2018 but there was no response from the respondents. Hence, the OA.

4. The contentions of the applicants are that the respondents have failed to consider the case of the applicants for granting of temporary status, though they rendered more than 4 years and 206 days of continuous service in the respondents organization, despite the court orders passed by this Tribunal, in OA No.97/2009 and OA No.680/2019, which were filed by similarly situated persons, like the applicants herein.

5. Heard both the counsel and perused the pleadings on record.

6. At the very outset, the learned counsel for the applicants has stated that the case is fully covered by the Judgement of the Tribunal in OA No.680/2019, wherein it was held 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.”

7. (I) The applicants in the present OA are similarly placed, therefore, the relief sought has to be granted as per the observation of the Hon’ble Supreme Court in **Sub Inspector Roop Lal & Anr. v. Lt. Governor through Chief Secretary, Delhi & Others**, (2000) 1 SCC 644, as the order is binding. The relevant observations of the said case are extracted below:

“12. Precedents which enunciate rules of law form the foundation of administration of justice under our system. This is a fundamental principle which every Presiding Officer of a Judicial Forum ought to know, for consistency in interpretation of law alone can lead to public confidence in our judicial system. This Court has laid down time and again precedent law must be followed by all concerned; deviation from the same should be only on a procedure known to law. A subordinate court is bounded by the enunciation of law made by the superior courts. A coordinate Bench of a Court cannot pronounce judgment contrary to declaration of law made by another Bench. It can only refer it to a larger Bench if it disagrees with the earlier pronouncement. This Court in the case of

Tribhuvandas Purshottamdas Thakar v. Ratilal Motilal Patel, AIR 1968 SC 372=[1968] 1 SCR 455 while dealing with a case in which a Judge of the High Court had failed to follow the earlier judgment of a larger Bench of the same court observed thus:

"The judgment of the Full Bench of the Gujarat High Court was binding upon Raju, J. If the learned Judge was of the view that the decision of Bhagwati, J., in Pinjare Karimbhai's case and of Macleod, C.J., in Haridas `s case did not lay down the correct Law or rule of practice, it was open to him to recommend to the Chief Justice that the question be considered by a larger Bench. Judicial decorum, propriety and discipline required that he should not ignore it Our system of administration of justice aims at certainty in the law and that can be achieved only if Judges do not ignore decisions by Courts of coordinate authority or of superior authority. Gajendragadkar, C.J. observed in Lala Shri Bhagwan and Anr, v. Shri Ram Chand and Anr.:

"It is hardly necessary to emphasis that considerations of judicial propriety and decorum require that if a learned single Judge hearing a matter is inclined to take the view that the earlier decisions of the High Court, whether of a Division Bench or of a single Judge, need to be re-considered, lie should not embark upon that enquiry sitting as a single Judge, but should refer the matter to a Division Bench, or, in a proper case, place the relevant papers before the Chief Justice to enable him to constitute a larger Bench to examine the question. That is the proper and traditional way to deal with such matters and it is founded on healthy principles of judicial decorum and propriety."

Thus, there being a binding precedent laid down by the Coordinate Bench of this Tribunal, it has to be adhered to as per the directions of the Hon'ble Supreme Court cited supra.

(II) Representations of the applicants are on record. Learned counsel for the applicants submitted that the said representations are still pending with the respondents.

(III) Hence, in view of the above, respondents are directed to consider and dispose of the representations made by the applicants, keeping in view the verdict of this Tribunal in OA 680/2019, by issuing a speaking and well reasoned order within a period of 8 weeks from the date of receipt of a copy of this order.

With the above directions, the OA is disposed. There shall be no order as to costs.

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

Dated, the 14th day of October, 2019

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