

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

**Original Application No.21/680/2019
M.A.No.588/2019**

Date of Order: 31.07.2019

Between:

1. P. Naresh Kumar, S/o P. Pentaiah
Aged about 36 years
Occ: Casual Labour, O/o Commissioner of Income Tax
Group 'C' (DR), ITAT, Bench – B, CGO Towers, Kavadi guda
Hyderabad, R/o 4080609, Gowliguda, Near CBS, Nampally,
Hyderabad – 500 012.
2. G.A. Jalandhar Kumar, S/o G. Ashaiah,
Aged about 37 years
Occ: Casual Labour, O/o Commissioner of Income Tax (DR)
ITAT, Bench – B, CGO Towers, Kavadi guda, Hyderabad
R/o 5-4-780/16, Bhagwandas Bada, Opp., GPO, Abids, Nampally
Hyderabad – 500001.
3. K. Srilatha, W/o K. Raju,
Aged about 36 years
Occ: Casual Labour,
O/o Additional Commissioner of Income Tax
Range – 10, A Block, I.T.Towers, A.C.Guards,
Hyderabad, R/o H.No.12-11-1390/42,
Sanjay Gandhi Nagar, Boudha Nagar
Secunderabad – 500061.
4. K. Siva Krishna, S/o K. Venkateswarlu,
Aged about 27 years, Occ: Casual Labour,
O/o Commissioner of Income Tax
(Appeals)-7, 3rd Floor, A Block, Income Tax Towers
A.C.Guards, Hyderabad, R/o D.No.7-08 B,
Racherla Mandal, Palakaveedu Post,
Prakasham District – 523368.
5. N. Sarvonnatha Rao, S/o N.Yacob,
Aged about 31 years, Occ: Casual Labour,
O/o Joint Commissioner of Income Tax
Ongole Range, Roshanplaza, Ram Nagar,
8th Line, Ongole, Prakasam District.
R/o Chinthavari Palem Village,
Muthyalu Palem, Bapatla, Guntur-522101.

6. R. Eswara Rao, S/o R.Sai Babu,
Aged about 32 years, Occ: Casual Labour,
O/o Joint Commissioner of Income Tax
Ongole Range, Roishanplaza, Ram Nagar
8th Line, Ongole, Prakasam District
R/o D.No.9-333, Yerrabalem
Mangalagiri, Guntur District – 522503.
7. G. Yadagiri, S/o G. Kotaiah,
Aged about 32 years, Occ: Casual Labour,
O/o Income Tax Officer (Exemptions)
Principal Commissioner of Income Tax, 4th Floor
Rajkamal Complex, Lakshmpuram Main Road
Guntur R/o 7-16-262/52, 7th Line, 4th Cross Road,
Sri Nagar Colony, Guntur District – 522004.
8. P. Venkatesh, S/o P. Krishna,
Aged about 36 years, Occ: Casual Labour,
O/o Commissioner of Income Tax (DR)
ITAT, A – Bench, CGO Towers, KavadiGuda, Hyderabad
R/o 1-2-605/14 Ground Floor, Lower Tank Bund,
Rajaka Colony, Beside Sai Baba Temple, Near Vartha Office,
Hyderabad.
9. Sura Venkat, S/o Narasaiah,
Aged about 28 years, Occ: Casual Labour,
O/o Additional Commissioner of Income Tax
Range – 14, 6th Floor, 'C' Block, I.T.Towers
A.C.Guards, Hyderabad – 500 004,
R/o 8-3-828/6/A, YellareddyGuda, Ameerpet
Hyderabad – 500 016.
10. K.Satish Kumar, S/o K. Venkateswarlu
Aged about 37 years, Occ: Casual Labour,
O/o Additional Commissioner of Income Tax,
Range – 15, I.T.Towers, A.C.Guards
Hyderabad, R/o 4-2-133, Srinivasa Nagar,
Near Patel Timber, Khammam,
Telengana – 507003.
11. B V G Krishna Murthy S/o B. Sambasiva Rao
Aged about 27 years, Occ: Casual Labour,
O/o Joint Commissioner of Income Tax,
Ongole Range, Roshanplaza, Ram Nagar 8th Line,

Ongole, Prakasam District,
 R/o 5-19/2, Addepalli Village
 Bhattiprolu Mandal, Guntur District – 522256.

12. G. Hari Babu, S/o G. Kotaiah,
 Aged about 33 years, Occ: Casual Labour,
 O/o Deputy Commissioner of Income Tax,
 Circle – 1(1), Range – 1, Central Revenue Buildings
 Kannavarithota, Guntur, R/o 7-16-262/52, 7th Line,
 4th Cross Road, Sri Nagar Colony, Guntur District-522004.
13. M. Rajesh, S/o M. Pentaiah,
 Aged about 22 years, Occ: Casual Labour,
 O/o Director of Income Tax (I & CI), 2nd Floor,
 Aayakar Bhavan, Basheerbagh, Hyderabad
 R/o 12-1-107-b, Kummarwadi, Humayunnagar
 Asifnagar, Hyderabad – 500028.
14. K. Rajshekhar, S/o K. Narasinga Rao,
 Aged about 31 years, Occ: Casual Labour,
 O/o Joint Commissioner of Income Tax,
 T D S Range-2, I.T.Towers, A.C.Guards
 Hyderabad, R/o 5-5-155/22/1, Om Nagar
 Darusalam, Nampally
 Hyderabad – 500 001.
15. H. Madhu Mathi, W/o H.Surya Kumar
 Aged about 43 years, Occ: Casual Labour,
 O/o Additional Commissioner of Income Tax (TDS)
 TDS Range – 1, 4th Floor, B-Block
 I.T.Towers, A.C.Guards, Hyderabad,
 R/o H.No.5-2-82, Yapral, J.J.N.Colony,
 Near Ranganath Swamy Temple,
 Secunderabad – 500087.
16. K. Abhishek, S/o K. Nagender
 Aged about 26 years, Occ: Casual Labour,
 O/o Commissioner of Income Tax (Exemptions)
 2nd Floor, Aayakar Bhavan, Basheerbagh
 Hyderabad, R/o 2-2-1093/15, Bhagya Nagar
 Pochamma Temple Golnaka, Amberpet
 Hyderabad – 500 013.
17. P. Prabhakar, S/o Narasimha,
 Aged about 31 years, Occ: Casual Labour,
 O/o Principal Commissioner of Income Tax-7,

3rd Floor, C-Block, I.T.Towers, A.C.Guards,
Hyderabad, R/o H.No.18-2-69/1/C,
Railway Station Road
Jangammet, Falaqnuma – 500 053.

18. G. Vinod Rao, S/o Vasantha Rao,
Aged about 28 years, Occ: Casual Labour,
O/o Commissioner of Income Tax (Appeals-8),
4th Floor, A-Block, I.T.Towers, A.C.Guards
Hyderabad, R/o H.No.8-3-911, Yellareddy Guda
Ameerpet, Khairatabad, Hyderabad – 500 073.

19. K. Satish Kumar, S/o K. Raju
Aged about 27 years, Occ: Casual Labour,
O/o Principal Director of Income Tax (Inv),
3rd Floor, Aayakar Bhavan, Basheerbagh
Hyderabad, R/o 2-2-1093/46, Bhagya Nagar
Tilak Nagar, Amberpet
Hyderabad – 500 013. 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. The Chief Commissioner of Income Tax, Vijayawada, S.V.R.Plaaza
3rd Floor, Near Hotel Sree Square, Moghalrajpuram
Tikkle Road,m 1st Line, Vijayawada, Andhra Pradesh.
4. The Chief Commission of Income Tax, Vishakapatnam,
Dhaba Gardens, Aayakar Bhavan, Visakhapatnam... 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 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 2 to 11 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 counsel and perused the contents of the OA and its annexures on record.
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.

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

Dated, the 31st day of July, 2019

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