

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

OA/020/424/2019

Dated: 26.04.2019

Between:

Ch. Sujatha,
W/o. Ch. Venkat Rao,
Aged about 40 years, Group-D,
Occ: Contingent,
Office of the Deputy Commissioner of Customs
Customs House, Kakinada,
R/o. Flat No.96, SS3, Rajiv Swagruhakalpa,
Sambamurthy Nagar, 5th street,
Kakinada.

í Applicant

A N D

1. The Union of India rep. by
The Chief Commissioner,
Central GST & Customs,
Visakhapatnam Zone, Visakhapatnam.
2. The Principal Commissioner of Central GST,
Hyderabad Commissionerate,
L.B. Stadium Road,
Basheerbagh,
Hyderabad.
3. The Principal Commissioner of Customs,
Customs Preventive Commissionerate,
Auto Nagar, Vijayawada.

... Respondents

Counsel for the applicant : Mr. M.V. Krishna Mohan
Counsel for the respondents : Mr. A. Radha Krishna, 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. M.V. Krishna Mohan, learned counsel appearing for the applicants and Mr. A. Radha Krishna, learned Standing Counsel appearing for the respondents.

2. The applicant is working as Contingent Casual Worker in the office of the Deputy **Commissioner of Customs, Kakinada**. She has been engaged for cleaning, sweeping, gardening and watering works in the office. She completed more than 15 years of service in the department as Contingent Casual Worker in anticipation of regularization. Similarly situated employees who are juniors to the applicant approached this Tribunal by filing OAs 312, 313, 322 of 2015 before Central Administrative Tribunal, Bangalore Bench. The Tribunal allowed the OAs and they were granted Temporary Status. Therefore, the applicant claims that she is fully eligible for grant of Temporary Status on completion of 240 days of service from the date of her initial engagement. She also states that she is covered by the order in OAs 312, 313, 322 of 2015 and O.As No.907-912/2015 of Central Administrative Tribunal, Bangalore Bench wherein her juniors were granted Temporary Status. Some of her juniors were engaged during 2001 to 2003. She also submitted that recently, the Hon'ble High Court of Hyderabad disposed of W.P. No.27176 of 2012 & batch vide order dated 29.12.2018, directing the department to grant Temporary Status to the petitioner therein. The applicant submitted representation dated **05.04.2019** in response to which, the department stated that as the applicant is not one of the parties to the OAs, she

cannot be extended the benefit of temporary status under the Establishment Order (N.G.O) No.16/2019 dated 17.01.2019.

3. We are of the view that merely because the applicant did not approach the Tribunal, she cannot be denied the benefit of conferring temporary status on par with her juniors. The respondents are, therefore, directed to consider and dispose of the representation dated 05.04.2019 submitted by the applicant and confer the same benefit which was conferred on the candidates mentioned in the Establishment Order dated 17.01.2019, within a period of eight weeks from the date of receipt of this order.

4. The O.A. 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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