

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

**OA/020/389/2019 &
MA/20/336/2019**

Dated: 22.04.2019

Between:

1. J. Ramji, S/o. Chandra Rao,
Aged about 44 years, Group-D,
Occ: Contingent,
The office of Assistant Commissioner,
Customs & Central Tax & Service Tax,
Kakinada II Division, Kakinada.
R/o. Kakinada.
2. S. Kannaiah, S/o. Naganna,
Aged about 51 years,
Occ: Contingent,
The office of Assistant Commissioner,
Customs & Central Tax & Service Tax,
Kakinada II Division, Kakinada.
R/o. Kakinada.
3. M. Sesharatnam,
W/o. Late M. Pakeeru,
Aged about 48 years,
Occ: Contingent,
The office of Assistant Commissioner,
Customs & Central Tax & Service Tax,
Kakinada II Division, Kakinada.
R/o. Kakinada.

í Applicants

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 Commissioner,
Customs & Central GST,
Guntur Commissionerate,
Kannavari Thota, Guntur.

... Respondents

Counsel for the applicants : Mr. M.V. Krishna Mohan
Counsel for the respondents : Mrs. K. Rajitha, Sr. CGSC

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 Mrs. K. Rajitha, learned Senior Standing Counsel appearing for the respondents.

2. MA filed for joining together is allowed.
3. The applicants are working as Contingent Casual Workers in the office of Assistant Commissioner of Customs & Central Tax & Service Tax, Kakinada-II Division, Kakinada. They have been engaged for cleaning, sweeping, gardening and watering works in the office. They completed more than 19 years of service in the department as Contingent Casual Worker in anticipation of regularization. Similarly situated employees who are juniors to the applicants 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 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. They also state that they are covered by the order in OAs 312, 313, 322 of 2015 and the order in OAs 907-912/2015 of Bangalore Bench of Central Administrative Tribunal wherein their juniors were granted Temporary Status. Some of their juniors were engaged during 2001 to 2003. They 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 petitioners therein. The applicants submitted representations dated 14.02.2019 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 Establishment Order (N.G.O) No.16/2019 dated 17.01.2019.

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. The respondents are, therefore, directed to consider and dispose of the representations dated 14.02.2019 submitted by the applicants 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.

5. The O.A. is accordingly disposed of at the admission stage. There shall be no order as to costs.

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

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**(JUSTICE R. KANTHA RAO)
MEMBER (J)**