

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

O.A/20/00097/2019

Date of order : 29.01.2019

Between:

M. PRASANNA,
W/o M.Yesu,
Aged about 42 years, Group-D,
Occupation: Contingent Worker in O/o
Commissioner, Customs &
Central Tax & Service Tax, Guntur.

APPLICANT

A N D

1. The Union of India represented by 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 applicant : Mr.M.V.KRISHNA MOHAN

Counsel for the respondents : Mr.A.RADHAKRISHNA,
Sr. PC for Central Govt.

CORAM:

THE HON'BLE MR. JUSTICE R KANTHA RAO MEMBER (J)

THE 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 applicant and Mr. A.Radhakrishna, learned Senior Panel Counsel for the respondents.

2. The applicant is working as Contingent Casual Worker in the office of Commissioner, Customs & Central Tax & Service Tax, Guntur. She has been engaged for cleaning, sweeping, gardening and watering works in the office. She completed more than 23 years of service in the Department as Contingent Casual Worker in anticipation of regularization. Similarly situated employees who are juniors to the applicant approached 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 OA 312, 313 to 322 of 2015 and OA 907-912 of 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 the Hon'ble High Court of Judicature at Hyderabad disposed of W.P.No.26716 of 2010 and batch, vide order dated 08.11.2010, directing the department to grant Temporary Status to the petitioners therein. The applicant submitted representation dated 22.01.2013 in response to which, the Department, through order dated 29.01.2015, stated that the applicant's case is not covered by the Apex Court judgment dated 10.04.2006 in C.A.No.3595-3612/1999, as the

applicant has not been engaged/under the employment of the department continuously for 10 years as on the date of issue of the Judgment of the Hon'ble Supreme Court and, therefore, the applicant is not entitled for grant of temporary status and further regularization. The applicant claims that she is similarly situated to that of the persons mentioned in the order in OAs 312, 313, 322 of 2015 of the Central Administrative Tribunal, Bangalore Bench.

3. In view of the above, we are of the view that this OA can be disposed of directing the respondents to consider and dispose of the subsequent representation dated 21.01.2019 submitted by the applicant and confer the same benefit which was conferred on the candidates mentioned in the Establishment Order (N.G.O) No.24/2019, dated 23.01.2019, within a period of eight weeks from the date of receipt of this order.

4. The OA 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)

vsn