

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

**OA/021/448/2019**

**Dated: 30.04.2019**

Between:

Y. Raja Reddy,  
S/o. Y. Gopal Reddy,  
Aged about 49 years,  
Occ: Casual Worker,  
R/o. Plot No.101, Road No.12,  
IDA, Mallapur, Secunderabad,  
Telangana ó 500 076.

í Applicant

A N D

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

... Respondents

Counsel for the applicant	:	Mr. J. Sudheer
Counsel for the respondents	:	Mr. R.V. Mallikarjuna Rao, Sr. PC to CG

CORAM:

***Hon'ble Mr. Justice R. Kantha Rao, Member (J)***  
***Hon'ble Mr. B.V. Sudhakar, Member (A)***

## **O R A L O R D E R**

[Per Hon'ble Mr. Justice R. Kantha Rao, Member (J)]

Heard Sri M.V. Krishna Mohan, learned counsel appearing for the applicant and Sri R.V. Mallikarjuna Rao, learned Senior Panel Counsel appearing for the respondents.

2. The applicant is working as Contingent Casual Worker in the Commissionerate of Customs & Central Excise under the control of Respondents No.1 & 2. He has been engaged for cleaning, sweeping, gardening and watering works in the office. He completed more than 10 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 he is fully eligible for grant of Temporary Status on completion of 240 days of service from the date of his initial engagement. He also states that he 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 his juniors were granted Temporary Status. Some of his juniors were engaged during 2001 to 2003. He 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 Nil which was received by the respondents on 25.3.2019. In response, the department stated that as the applicant is not one of the parties to the OAs, he 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, he cannot be denied the benefit of conferring temporary status on par with his juniors. In spite of the Tribunal passing an order that the same relief has to be granted to the similarly situated persons, the department is driving the employees to Court to seek the relief though the matter is settled. Therefore, the respondents are directed to grant the relief without subjecting the employees to approach the Tribunal again and again. In this context, we are inclined to observe that in similar matters, the Hon<sup>ble</sup> Apex Court also expressed the opinion that when a matter has reached finality, the employees shall not be subjected to approach the Courts again and again. The respondents are, therefore, directed to consider and dispose of the representation 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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