IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.38286 of 2015 and
MP.No.1 of 2015

The Additional Director General
Directorate of Revenue Intelligence
Chennai Zonal Unit
27, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.
... Petitioner

Vs.

1.R.Shanmugam
2.The Registrar,
Madras Bench,
The Central Administrative Tribunal,
High Court Campus, Chennai - 600 - 104.

3.Union of India,
Rep. by the Secretary to Government,
Ministry of Finance,Department of Revenue,
Central Board of Excise and Customs,
North Block, New Delhi.

4.The Chairman,
Central Board of Excise and Customs,
North Block, New Delhi.

5.The Director General,
Directorate of Revenue Intelligence
'D' Block, Inderprastha Bhawan
7th Floor, Inderprastha Estate,
New Delhi. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records of the second Respondent in O.A.No.1216 of 2012 culminating in order dated 7.4.2015 and quash the same.

For Petitioner : Mr.V.Sundareswaran
Senior Panel Counsel

For R1 : Mr.S.Natana Rajan

For R3 : Mr.S.Natarajan

For R4 and R5 : No appearance

O R D E R

K.K.SASIDHARAN,J.

The writ petition is directed against the order dated 7 April, 2015 in O.A.No.1216 of 2012, whereby and where under, the Madras Bench of the Central Administrative Tribunal, directed the petitioner to consider the case of the first respondent for conferment of temporary status.

2. We have heard the learned Senior Panel Counsel for the petitioner and the learned counsel for the respondents 1 and 3.

3. The first respondent filed Original Application before the Tribunal to grant him temporary status. The applicant before the Tribunal contended that he was appointed as casual labour and made to work for several years. The first respondent further contended that under similar circumstances, the High Court of Madras and the High Court of Andhra Pradesh directed conferment of Temporary Status to the casual labourers. The first respondent, therefore wanted a similar relief.

4. The Tribunal, without considering the merits of the matter allowed the original applications by following certain earlier orders. There was no attempt made by the Tribunal to ascertain as to whether the facts are similar and as such, the first respondent is entitled to the benefits given to the other employees.

5. The Tribunal in a case of this nature must consider the individual case and ascertain as to whether the employee is entitled to Temporary Status. There is no question of simply mentioning the earlier proceedings and granting the relief, without there being an adjudication as to whether the employee before the Tribunal is similarly situated and as to whether he is also entitled to the grant of Temporary Status. The order passed by the Tribunal does not contain any material, much less justifiable material, to grant temporary status to the first

respondent. We are therefore of the view that the matter requires fresh consideration.

6. In the result, the order dated 7 April 2015 is set aside. The Original Application in O.A.No.1216 of 2012 is restored to file.

7. The Central Administrative Tribunal is requested to grant sufficient opportunity to the petitioners to file reply statement and thereafter, decide the matter on merits and as per law. Since the Original Application is of the year 2012, we request the Tribunal to dispose of the matter as expeditiously as possible.

8. The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

svki

To

1.The Registrar,
Madras Bench,
The Central Administrative Tribunal,
High Court Campus, Chennai - 600 - 104.

2.The Secretary to Government,
Union of India,
Ministry of Finance,Department of Revenue,
Central Board of Excise and Customs,
North Block, New Delhi.

3.The Chairman,
Central Board of Excise and Customs,
North Block, New Delhi.

4.The Director General,
Directorate of Revenue Intelligence
'D' Block, Inderprastha Bhawan
7th Floor, Inderprastha Estate,
New Delhi.

+1cc to M/s.V.sundareswaran, Advocate in sr.no.42689
+1cc to M/s.S.Natana Rajan, Advocate in sr.no.42487

W.P.No.38286 of 2015

SS(CO)
NR 15/06/2017