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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 149/2002

This the 13th day of February, 2003

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HON'BLE SH. KULDIP SINGH, MEMBER (J)

Ashok Kumar
S/o Sh. Mahavir Singh
Electrician, CRRI,
R/o BL-A, H.No. 9, Harkesh Nagar,
New Delhi-20.

(By Advocate: Sh. H.K.Gangwani proxy for
Ms. Lata Gangwani)

Versus

1. The Director,
Central Road Research Institute,
Mathura Road,
New Delhi.
2. The Secretary,
CSIR,
Rafi Marg,
New Delhi.

(By Advocate: Sh. Kapil Sharma)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA as he has a grievance that he has not been granted temporary status as well as he has not been regularised. Besides that applicant is not being brought into direct relationship with the respondents as their own employee inasmuch as the work of Electrician being performed by the applicant is of continuous and perennial nature. Applicant further submits that the engagement of applicant through Contractor is illegal and amounts to exploitation of labour.

2. Applicant has taken various grounds for being brought into direct relationship with the respondents but the OA is being opposed as the respondents in their reply have submitted that the applicant is not working under them nor he is working



regularly with them rather the applicant has been deployed by the Contractor for the work for which need arises off and on and whenever need arises the applicant is deployed to perform the work that too under the contractor, as such there is no relationship of master and servant. Thus, the respondents submitted that applicant is not entitled to any relief.

3. I have heard the learned counsel for the parties and gone through the record. As per the pleadings, it is clear that the applicant himself admits that he had been engaged through a contractor and he is not an employee of the respondent organisation. Though the applicant alleges that the action of the respondent to resort to the person through private contractor is illegal and arbitrary but at the same time he has admitted that he is an employee of the contractor and he is performing the job under the contractor.

4. Hence, I find that since there is no relationship between the applicant and respondents as of master and servant, so this Court has no jurisdiction to try the petition. However, in case applicant wants to challenge the agreement entered into between the respondents and the contractor, then he may approach the appropriate forum as per the law laid down in case of Steel Authority of India vs. National Union Water Front Workers 2001 (7) JT 268 where Hon'ble Supreme Court held as under:

"On issuance of prohibition notification under Section 10(1) of the CLRA Act prohibiting employment of contract labour or otherwise, in an industrial dispute brought before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider the question whether the contractor has been interposed."

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5. Accordingly, I dismiss the OA. However, giving liberty to applicant to approach the appropriate judicial forum for seeking appropriate remedy.



(KULDIP SINGH)
Member (J)

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