

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/560/2014

Hyderabad, this the 31st day of January, 2020

***Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***



1. M. Rambabu, S/o. M. Venkateswara Rao,
Aged 40 yrs, Occ: Temporary Employee,
O/o. Commissioner of Customs, Central Excise and Service Tax,
Guntur Commissionerate, Kannavari Thota, Guntur.
2. P. Devadas, S/o. Musalaiah,
Aged 50 yrs, Occ: Temporary Employee,
O/o. Commissioner of Customs, Central Excise and Service Tax,
Guntur Commissionerate, Kannavari Thota, Guntur.
3. K. Gantaiah,
4. K. Sumathi, W/o. late K. Gantaiah, Aged 34 years,
Occ: House Hold, R/o.6-30-86, Srinagar, Guntur.
5. K. Vasantha Lakshmi, D/o. late K. Gantaiah, Aged 18 years,
Occ: Student, R/o.6-30-86, Srinagar, Guntur.
6. K. Venkata Sai, S/o. late K. Gantaiah, Aged 16 years,
Occ: Student, R/o.6-30-86, Srinagar, Guntur, Rep. by his
Natural guardian and mother K. Sumathi.

(Applicants No. 4-6 are LRs of late Applicant No.3)

... Applicants

(By Advocate Mr. N. Vijay)

Vs.

1. Govt. of India, Ministry of Finance,
Department of Revenue, Central Board of Customs and Central Excise,
North Block, New Delhi, Rep. by its Under Secretary.
2. Central Board of Customs and Central Excise,
North Block, New Delhi,
Rep. by its Chairman and Spl. Secretary.
3. The Commissioner of Customs, Central Excise and Service Tax,
Guntur Commissionerate, Kannavari Thota, Guntur.
4. The Addl. Commissioner (P&V)
Customs, Central Excise and Service Tax,
Guntur Commissionerate, Kannavari Thota, Guntur.

... Respondents

(By Advocate: Mrs. C. Vijaya Laxmi, Proxy counsel
representing Mr. T. Hanumantha Reddy, Sr. PC for CG)

ORDER (ORAL)
{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

The applicants were engaged as Casual labours in the Department of Customs and Central Excise in the years 1993 & 1994. They instituted various proceedings in the context of conferment of temporary status. It is stated that, as a result of such proceedings, they were conferred temporary status through an order dt. 05.03.2011.



2. The grievance of the applicants is that, wages payable to those casual labourers, conferred with temporary status were paid to them up to the year 2004 and such wages are not being paid from that year onwards. The representation made by the applicants in this behalf, was rejected through order dated 20.03.2014. It was mentioned therein that the services of the applicants were terminated from 03.12.2004 and from then onwards, they were being engaged, if at all, by the service contractors. This OA is filed challenging the said order dt. 20.03.2014 and for a direction to the respondents to pay them the wages for the above period.

3. The respondents filed a counter affidavit opposing the OA. It is stated that, though orders conferring temporary status were issued on 05.03.2011, the record discloses that from 03.12.2004 onwards, the applicants were engaged by the service contractor and the question of payment of any wages directly to them, does not arise.

4. We heard Mr. N. Vijay, learned counsel for the applicants and Mrs. C. Vijaya Laxmi, learned proxy counsel representing Sri T. Hanumantha Reddy, learned Senior Panel Counsel for the respondents.



5. As a result of prolonged litigation, the applicants got the benefit of temporary status, through the order dt. 05.03.2011. In fact, the corresponding wages for the period from 1993-94 to 2004 were also paid. The respondents state that from 03.12.2004 onwards, the applicants were not directly working under them and if at all, anything, it was through a service contractor. The applicants do not deny this assertion. Once they have worked under a service/ labour contractor, they can seek their remedy, if any, by approaching the proper forum. It is fairly well known that the relationship between the contract labour and labour contractor is governed by the provisions of the Contract Labour (Regulation & Abolition) Act, 1970. This Tribunal is not the forum to deal with the matters of that nature.

6. We therefore, dismiss the OA, leaving it open to the applicants to work out their remedies, in accordance with law, if they are so advised.

7. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN