

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 164/2001

New Delhi, this the 19th day of the January, 2001

MR. S.A.T. RIZVI, HON'BLE MEMBER (A)

1. Narender Kumar S/o Late Shri Bhola Nath,
House No. 1271, Bagichi Ten Sukh Rai,
Ajmeri Gate, Delhi-6.
2. Arun Kumar S/o Shri Hari Dass,
House No. 12/284, Kalyan Puri,
New Delhi. Applicants
(By Advocate : Shri U. Srivastava)

V E R S U S

Union of India through the

Director,
Directorate of Inspection Custom &
Central Excise, 5th Floor,
Dram Shape Building,
New Delhi. Respondent

ORDER (ORAL)

By Shri S.A.T. Rizvi, Hon'ble Member (A) :

The applicants, two in number in this OA, are stated to have been engaged for work in the respondent's set-up, in the first instance from 26.4.1999 to 31.5.1999 and thereafter from 1.6.1999 to 31.7.2000. On 31.7.2000, the applicants were disengaged without any written intimation by means of a verbal instruction. The applicants were engaged through a contractor and have worked through the contractor all along right up to 31.7.2000. In view of this, I find that the employee and employer relationship between the respondent and the applicants, could not be said to have come into existence at any point of time. Further, that the activity of cleaning and dusting in which the applicants were supposed to be involved, is an

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activity of a perennial nature, is not sought to be established by means of any written orders/instructions issued by the respondent/appropriate Govt.

2. In the circumstances, the present OA is fully covered by the provisions of the Contractor Labour (Regulation and Abolition) Act, 1970 and this Tribunal cannot pass any order for giving relief to the applicants.

3. During the course of presentation, the learned counsel has placed reliance on the case of Union of India & Ors. Vs. Subir Mukharji & Ors., reported as (JT 1998 (3) SC 540), decided by the Supreme Court on 29.4.1998. I find that the facts and circumstances obtaining in the aforesaid case, are materially different from the facts and circumstances of the present case and, therefore, the principles laid down therein cannot find application in the present OA.

4. The present OA is, thus, dismissed in limine at the admission stage. No Costs.

5. Registry is directed to send a copy of this OA alongwith the order.



(S.A.T. RIZVI)
MEMBER (A)

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