

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2602/2001

This the 6th day of February, 2003

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

1. Babu Lal
S/o Late Shri Mahadev Rao
R/o Harkesh Nagar,
Okhla Tank,
New Delhi-110020.
2. Ghanshyam Sharma
S/o Late Shri Rikhi Ram
R/o 5/7, Maharani Bagh,
Multi Story, CRRI Staff
Colony, New Delhi.
3. Khem Bhadur
S/o Late Shri Kul Bahadur,
R/o House No. C/O Vijay Chaudhary,
Street No. 22,
New Delhi.

.....Applicants

(By Advocate: Sh. Ashish Kalia)

Versus

1. The Secretary, Indian Council
for Scientific and Industrial
Research, Rafi Ahmed Marg,
New Delhi-110001.
2. The Director, Central Road
Research Institute Mathura Road,
New Delhi.

.....Respondents

(By Advocate: Sh. Kapil Sharma)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicants who were working as casual labour under the Central Road Research Institute have filed this OA seeking the relief that they should be granted temporary status, regularisation and equal pay for equal work.

2. Respondents in their counter pleaded that the applicants have been engaged through a contractor i.e., M/s. Star Securities and Allied Services, so they could not file the OA as they are not working under the respondents and they are working only under the contractor. Counsel for applicant also

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pleaded that the contract as alleged by the respondents are a sham agreement and infact the applicants are working for the respondents only and the respondents, in exceptional circumstances, are required to lift the veil whether they are working for the contractor or for the respondents.

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3. The learned counsel for respondents also pleads that as per the judgment of Steel Authority of India vs. National Union Water Front Workers 2001 (7) JT 268, it is for the adjudicator appointed under the Industrial Disputes Act to go into the question whether the respondents are working for the contractor or for the respondents. Counsel for the respondents has also referred to a judgment delivered by coordinate bench in OA-3034/2001 in case of Arun Kumar vs. Secretary, Indian Council for Scientific and Industrial Research where in similar question has arisen and the OA was dismissed with the liberty to the applicants to approach the appropriate forum for adjudication of their claim.

Inview of this objection raised by respondent I find that in view of the judgement given by Apex Court in Steel Authority of India (supra) the OA filed by the applicant is not maintainable and the same is hereby dismissed. However, the applicant may approach the appropriate forum ^{under} ~~under~~ Labour laws.

OA is dismissed. No costs.

(KULDIP SINGH)
Member (J)

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