

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 3026/2001

This the 16th day of December, 2002

HON'BLE SH. SHANKER RAJU, MEMBER (J)

(14)

1. Sh. Inder Pal Singh
S/o Sh. Kewal Ram
R/o Near Water Tank,
Krishi Kunj,
New Delhi-110012.

2. Nakali Ram,
S/o Sh. Kewal Ram,
R/o Near Water Tank,
Krishi Kunj,
New Delhi-110012.

(By Advocate: Sh. Sundheshwar Lal)

Versus

1. Indian Agricultural Research Institute (IARI)
Through its Director, Pusa,
New Delhi-110012.

2. Manoj Kumar
1, Vill. Kurani
Narela, Delhi-40.

3. Sh. Salil
11-B, Ber Sarai
LIG Flats, Opp. JNU
New Delhi-110023.

(By Advocate: Sh. Arun Bhardwaj proxy for
Sh. V.K.Rao for Resp. No.1)

O R D E R (ORAL)

In this OA, applicants who have been working on contract as Valveman/Valoperators seek regularisation and direction not to substitute them by engaging any workers. It is contended that the contract which is a sham and camaflouge whereas the applicants are really working under these official respondents and having master and servant relationship. So proposed termination would amount to unfair practice and would be violative of Articles 14 and 16 of the Constitution of India.

2. Respondents in their reply contended that this court lacks jurisdiction as the issue regarding determination as to whether the contract is sham or camaflouge or the applicants were really engaged by the official respondents or contract

is to be adjudicated by industrial adjudicator as the ^u finding^{is} recorded^h in para 122 of the decision of the apex court in Steel Authority of India Limited and others vs. National Union Water Front Workers and others reported in 2001 (5) SCALE 626. It is further stated that in a similar case OA-2148/99 Chiranji Lal and others vs. Union of India as well as in OA-1428/2001 Sushil Verma vs. Union of India and others, in the light of the decision of Steel Authority of India (supra), this court has dismissed the OA with liberty to the applicant to pursue their remedies before the appropriate forum. Respondents have also referred to CWP 5485/98 in Bhartiya Krishi Karamchari Sangh vs. IARI decided on 20.9.2001 where in the light of decision in Steel Authority of India case (supra) liberty has been given to approach the appropriate forum.

3. I am satisfied that as the issue in this case, it is not disputed that the applicants have been engaged through Contractor and the issue whether the contract was sham or not this court has no jurisdiction and it lies with the industrial adjudicator to go into this controversy.

4. Having regard to the decision in Steel Authority of India and the decision of the coordinate bench, this court has no jurisdiction to entertain the grievance of the applicant. Accordingly, OA fails and is dismissed with liberty to the applicants to approach appropriate forum in accordance with law. No costs.

S. Raju

(SHANKER RAJU)
Member (J)

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