

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 351/2001
OA NO. 353/2001
OA NO. 354/2001

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This the 31st day of July, 2002

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

OA NO. 351/2001

Ram Avtar
S/o Shri Ram Swarup
R/o Village Bamnoli
P.O. Bhula Siras
New Delhi-110 045.

... Applicant.

OA NO. 353/2001

Bidhan Sharma
S/o Shri Vivek Sharma
R/o SF 55/0
Singalpur
Shalimar Bagh
Delhi-110 052.

... Applicant.

OA NO. 354/2001

Dina Bandhu Burman
S/o Shri Dodkangal Burman
R/o SF 55/0
Singalpur
Shalimar Bagh
Delhi-110 052.

... Applicant.

(By Advocate: Sh. V. Shekhar proxy for
Sh. S. Ganesh)

Versus

1. Union of India
Through Secretary
Ministry of Information and Broadcasting
Shastri Bhawan
New Delhi.
2. Director General
All India Radio
Akashwani Bhawan
Parliament Street
New Delhi-110001.
3. Office of the Chief Engineer (North Zone)
Akashwani and Doordarshan
Shajahan Road,
New Delhi-110 011.
4. Deputy Director (Engineering)
All India Radio and Doordarshan
D-6, Doodown
6, Probin Road (Mall Road)
New Delhi-110 054.

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5. Central Advisory Board
Through its Member Secretary
4th Floor, Shram Shakti Bhawan
Rafi Marg
New Delhi-110 001.

6. Labour Commissioner
Ministry of Labour
Shram Shakti Bhawan
Rafi Marg
New Delhi-110 001.

7. M/s. G.T. Roadways (Labour Contractor)
CW-567, Sanjay Gandhi Transport Nagar,
Delhi-110042.

(By Advocate: Sh. M.K. Bhardwaj proxy for
Sh. A.K. Bhardwaj in OA-351/2001

Sh. Rajeev Hansal proxy for
Sh. B.K. Aggarwal in OA-353/2001 and 354/2001)

O R D E R (ORAL)

Applicant in all these OAs have a common grievance and they have filed an independent petition seeking the relief for appropriate direction to the respondents to regularise the services of the applicant who fulfil all the requirements for being engaged as a direct regular employee in All India Radio and Doordarshan.

2. Respondents have taken a preliminary objection that the OA is not amenable to the jurisdiction of the Tribunal as in the matter of Steel Authority of India, Hon'ble Supreme Court has clearly ruled that for abolition of contract labourer, the workman cannot invoke the jurisdiction of the Hon'ble Tribunal and for redressal of his grievance, the workman should approach the Industrial Adjudicator.

3. I have heard the learned counsel for the parties and gone through the record.

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The objection taken by the respondents is opposed on the judgement of the Hon'ble Supreme Court in Steel Authority of India vs. National Union Water Front Workers 2001 (7) JT 268 wherein

Contract labour abolition - Scope of Section 10 of CLRA Act, 1970 - Whether there is express or implied provision for automatic absorption of contract labour upon issue of a notification prohibiting appointment of contract labour. Held, there is no such requirement, Principal employer cannot be required to absorb the contract labour working in the concerned establishment. Role of the adjudicator where a matter is brought before him upon issue of prohibition notification outlined. Decision in Air India's case [JT 1996 (11) SC 109] directing absorption of contract labour prospective overruled.

5. In view of the law laid down by the Hon'ble Supreme Court this Tribunal has no jurisdiction. The OA has to be dismissed. However, applicant is at liberty to approach the appropriate forum.

(KULDIP SINGH)
Member (J)

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