

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 562/2001

This the 21st day of May, 2002

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

Shri Emrat Sharma, aged about 30 years,
S/o Sh. Jagdish Sharma
R/o Vill. Naradakot,
Distt. Faridabad.
(None).

Versus.

1. Union of India through
The D.G., C.P.W.D.,
Nirman Bhawan,
New Delhi.
2. The Executive Engineer (Elect),
C.P.W.D.,
Faridabad.
(By Advocate: Sh. S.M.Arif)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA seeking a direction to the respondents to regularise his services from the date he has completed 240 days as Electrician with comparable scale of pay as obtained in CPWD. The facts as alleged by the applicant are that he had worked as Electrician (Wireman) in National Institute of Financial Management since March 1994 till 30.4.2000 when his services were arbitrarily terminated without assigning any reason. Applicant also stated that he was contacting Resp.2 since his services were requisitioned by Executive Engineer (Elect), CPWD through Deepak Electrical. The ground on which applicant is seeking relief is that though the deployment was through Deepak Electricals, a contractor but the same is camouflaged one but the real deployment was by official or principal employer, i.e. Resp.2. So he says that he has completed 240 days and he is entitled for regularisation.


[Signature]

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2. Respondents are contesting the OA. The respondents in their reply pleaded that the applicant was not a Government employee. He was employee of a contractor, as claimed by the applicant himself, so he is not entitled for claiming any relief for regularisation. Since no one appeared for the applicant, we proceed ex parte under Rule 15 of the CAT (Procedure) Rules.

3. Counsel for respondents submits that applicant being an employer of contractor and not a Government employee, cannot claim the relief as claimed in his OA. Counsel for respondents also referred to a judgment vide which five OAs No. 1544/99, 1546/99, 1547/99, 1548/99 and 1551/99 were decided by one order with similar facts where the counsel for the applicant has also argued the case on behalf of the applicants and he himself argued the case on behalf of the respondents. The perusal of the judgment show in those cases that the applicants have claimed to have worked through some contractor. The said OAs have been dismissed vide order dated 28.3.2001. While deciding these OAs the Court had also referred to the judgments relied upon by both the counsel and considering the judgment I find the same is applicable to the present case and on these lines this OA is liable to be dismissed.

4. Accordingly, OA is dismissed. No costs.


(KULDIP SINGH)
Member (J)

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