

Central Administrative Tribunal
Principal Bench

O.A. 2339/98

New Delhi this the 7 th day of July, 2000

(20)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Ajay Kumar,
S/o Sri Babu Ram,
B-226, Gali No. 2,
Near Rubber Factory,
North Ghonda,
Delhi. ... Applicant.

(By Advocate Mrs. Rani Chhabra)

Versus

1. Union of India through
Ministry of Defence
through its Secretary,
South Block,
New Delhi.
2. D.D.G. (Military Farms),
Quarter Master,
General Branch,
Army Headquarters,
West Block No. III,
R.K. Puram, New Delhi.
3. D.D. (Military Farm),
Director Freezewal Project,
C/o School and Research Centre,
Grass Farm Road,
Meerut.
4. Assistant Director (Military Farm),
Military Dairy Farm No. 2,
Mawana Road, Meerut. ... Respondents.

(By Advocate Shri Gajender Giri)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant has filed this application alleging that the respondents have taken illegal action in not conferring temporary status and regularising his services in accordance with the departmental guidelines despite working for more than six years as contract labourer, although he has been working directly with the respondents.

He has stated that instead of regularising him in service,

Y8:

he has been disengaged by the respondents by an oral order in violation of Section 25F of the Industrial Disputes Act, 1947.

2. I have considered the pleadings and the submissions made by the learned counsel for the parties. The respondents in their reply have stated that the applicant was engaged as casual labourer on contract basis on 2.12.1989 and he had worked till November, 1992. Thereafter, he was again engaged in June, 1994 for one month, again from October, 1994 and December, 1994 and on 18.4.1995. on contract basis. Shri Gajender Giri, learned counsel has submitted that the applicant is not covered under the DOP&T Scheme of 10.9.1993 which came into effect w.e.f. 1.9.1993. His main contention is that the applicant has been engaged as casual labourer on contract basis.

3. The above averments made by the respondents have been controverted by the learned counsel for the applicant, who has submitted that the applicant has completed the required number of 206/240 days of continuous work in a year, as required under the DOP&T Scheme and, therefore, he is entitled to be regularised. It is, however, noticed from the pleadings of the applicant that the relief has been pressed on the basis of the provisions of the Industrial Disputes Act, 1947, regarding provisions for retrenchment, show cause notice ^{etc.} under that Act.

18:

22

4. On careful perusal of the pleadings and the submissions made by the learned counsel for the parties, the contentions of the respondents that the applicant has been engaged on contract basis and is not covered under the DOP&T Scheme dated 10.9.1993 appears to be correct. In a case Gurdev Singh Vs. Union of India & Ors. (OA 2128/99), decided on 7.7.2000, similar issues and contentions raised by the applicant in that case have been dealt with. For the reasons given in that O.A. which are applicable to the facts and circumstances of the present case also, for example, that the disputes under the Industrial Disputes Act, 1947 cannot be brought within the jurisdiction of this Tribunal as the applicant has been engaged on contract basis, the O.A. is dismissed. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'