

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1685/1996

New Delhi, this 12th day of August, 1996

Hon'ble Justice Shri A.P. Ravani, Chairman
Hon'ble Shri R.K. Ahooja, Member(A)

(2)

1. Jana Swasthya Samiti
Village Nidholi Khurd, Etah, UP

2. Shri R.S. Upadhyaya
Organiser
Jana Swasthya Samiti
Village Nidholi Khurd, Etah, UP .. Applicants
(By Shri A.P. Mohanty, Advocate)

Vs.

Union of India, through

1. Secretary
Min. of Health & Family Welfare
Nirman Bhavan, New Delhi

2. Director General,
Health Services
Nirman Bhavan, New Delhi

3. Special Secretary
Min. of Health & Family Welfare
Lucknow, UP

4. The Chief Medical Officer
Etah, UP .. Respondents

ORDER(oral)

Hon'ble Justice Shri A.P. Ravani

The applicant no. 1 is a Society registered under the appropriate provisions of the Societies Registration Act. Applicant no. 2 is an office bearer of applicant no. 1 Society. Applicants pray that the Community Health workers working in the state of UP be declared to be the employees of the Central Government and the payment of Rs.50/- per month to them be also declared violative of Article 14 of the Constitution of India. The consequential relief prayed for is to issue appropriate direction to the respondents for

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treating them as employees of the Central Government and making payment of wages and other emoluments as applicable to regular employees.

(3)

2. The sole and main basis for the aforesaid prayer is that the funds for making payments to the community health workers are provided by the Central Government. We have not doubted the word of learned counsel for the applicants on this point. We proceed on the footing that factually the Central Government might be financing the entire scheme and the amount of wages or honorarium paid to the community health workers might be being provided by the Central Government. On this ground alone, community health workers working in the state of UP can not be said to be the employees of Central Government. There may be various schemes which would be required to be implemented at the state level by the state Government or by any other local authority. Simply because the funds are provided by the Central Government for implementation of the scheme, it can never be said that the central Government becomes the employer. Because the Master (i.e. State Govt. or local authority) receives grant from central government, the central government does not become the master. There is no employer-employee relationship between the central government & these community health workers. On this sole ground, the application is liable to be rejected. There is no substance in this application. Hence rejected.

Reckay
(R.K. Ahooja)
Member (A)

MR
(A.P. Ravani)
Chairman