

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

OA No. 2050/96

New Delhi, this the 4th day of October, 1996

Hon'ble Shri A.V.Haridasan, Vice-Chairman (J)
Hon'ble Shri K.Ramamoorthy, Member (A)

Mrs. Neenu Rani,
W/o Shri Bijender Kumar,
R/o Flat No. 1040(Delhi Admn.Flats),
(Near Mayur Vihar Phase-II),
Kalyan Vas,
Delhi- 110 091.Applicant
(By Shri V.K.Rao,Advocate)

Versus

1. Union of India through
The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.Respondents
(By None)

2. Director,
Directorate of Film Festivals,
4th Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi - 110 003.Respondents

O R D E R (Oral)

By Hon'ble Shri A.V.Haridasan, Vice-Chairman (J)-

The applicant who was first engaged as a Telex Operator on purely temporary basis for about two months i.e till 31.1.1994 by order dated 2.12.1993, was continued thereafter on her term being extended by orders dated 8.12.1994; 18.5.1994 and 21.7.1994. However, in the month of November,1994 the respondents engaged a private agency/contractor for rendering the services of telex operator and under the said Contractor the applicant was engaged. She is presently in engagement under the Contractor doing the same telex operator's work. The initial engagement of the applicant on 2.12.1993 was against a vacancy which was created by the regular incumbent in that post Smt. Ravinder Kaur proceeding on leave. Now that Smt. Ravinder Kaur had resigned from

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service w.e.f. 12.3.1996, the applicant feels that she is entitled to be regularised on the post. Therefore, the applicant has filed this application under Section 19 of the Administrative Tribunal Act, 1985 for a direction to respondents not to engage Telex Operator through Private Agencies/Contractors and to regularise her as Telex Operator with all consequential benefits. It has been alleged in the application that as the duties of Telex Operator is of a perennial nature, it is not permissible to have the work done through the Contractors and it should be got done by a regular employee.

On perusal of the allegations in the application and the annexures thereto and on hearing the learned counsel for the applicant Shri V.K.Rao, we are of the considered view that the applicant has no locus-standi as also has no legitimate cause of action to have her application admitted and further deliberated. The grievance of the applicant is that against the settled principles of law the work of perennial nature is being got done by the respondents through Contractors and this ~~depended~~ practice is to be ~~reverted~~ and direction be given to respondents to regularise the applicant in service.

Curiously enough atleast from 1995 onwards the applicant is not working directly under the respondents but is an employee of the Contractor who gets remuneration for getting the work of telex operator done and gives a fixed remuneration to the applicant. There is no direct link of master & servant between the applicant and the respondents atleast from November, 1994 though the applicant may be performing the duties of Telex Operator in the office premises of the respondents because the direct link in regard to the duties performed by the

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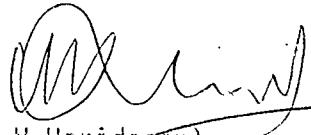
applicant is between the Contractor and the respondents.

It is true that the applicant commenced her service career as Telex Operator as a purely temporary measure under the respondents directly by order issued by the respondents on 2.12.1993 but this engagement and relationship has got severed atleast since November, 1994 when the Contractor intervened and the applicant became an employee directly under the Contractor.

Learned counsel for the applicant states that even though the applicant is presently working under the Contractor and though there is an intermediary between ~~the respondents~~ ^{as} no. 2 and the work of the applicant is being supervised by the staff of respondent no. 2 and, therefore, to that extent there is relationship of master and servant. We are unable to agree to this argument because the Telex Machine belongs to the respondents and while it is being operated by anybody though by a Contractor or by a direct employee in the interest of the administration, somebody has to supervise the working so that the machinery is not damaged. That does not bring the applicant within the relationship of master and servant.

In the light of what is stated above, we do not find anything in this matter for admission and further deliberation. The O.A. is, therefore, rejected under Section 19 (3) of the Administrative Tribunal Act, 1985.


(K. Ramamoorthy)
Member (A)


(A.V. Haridasan)
Vice-Chairman

Na.