

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1418 of 2000

New Delhi, this the 10th day of July, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Miss Mamta Sachdeva  
aged about 20 years  
R/o II/537, N.H. 4 Colony  
Faridabad(Haryana)

-APPLICANT

(By Advocate: Shri Surinder Singh)

Versus

1. Union of India, through  
The Director General  
C.P.W.D., Nirman Bhawan  
New Delhi
2. The Executive Engineer(E)  
Central Electric Division  
C.P.W.D.,  
Faridabad

- RESPONDENTS

(By Advocate: Shri S.M. Arif)

O R D E R

By Hon'ble Mr.Kuldip Singh, Member(Judl)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act alleging that she has been working as Lower Division Clerk (in short 'LDC') w.e.f. 1.6.99 on consolidated salary of Rs.1800/- per month, though designated as Khalasi. She states that she has been employed through Pustikar Electric Co. and prays for a direction to respondents to regularise her services in accordance with the judgement of the Hon'ble Supreme Court in the case of Haryana Electricity Board & ors. vs. Suresh and ors. JT 1992 (2) SC 435.

2. To buttress her claim, the applicant has submitted that though she has been deployed through the media of contractors but the same is a camouflage for real deployment by respondent no.2. It is submitted that since the applicant has

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completed 240 days, so she is entitled for regularisation by the Principal Employer in terms of the Supreme Court judgement in the case of Haryana Electricity Board (supra). Applicant has prayed for regularisation of her services as Typist with comparable pay scale obtainable in C.P.W.D.

3. Respondents have filed their counter affidavit. They have denied the relationship of master and servant between them and the applicant. They have submitted that applicant had been employed as Khalasi by M/s Pushkar Electric Co. and was never employed by C.P.W.D. as clerk and the claim of the applicant is dubious. It is stated that the employer being M/s Pushkar Electric Co., the salary etc. is paid directly by them to the applicant and this cannot be ascertained and verified by the answering respondents. So the applicant cannot claim any relief against the C.P.W.D.

4. I have heard learned counsel for the parties and gone through the records.

5. Learned counsel for the applicant submitted that applicant who had been engaged as a typist on casual basis is entitled to be regularised as she has completed more than 240 days of service under the respondents. Though the applicant has been employed through a contractor but the Principal Employer is the C.P.W.D. and, therefore, it is their liability to regularise the services of the applicant.

6. In reply to this, learned counsel for the respondents submitted that there is no relationship of master and servant between the respondents and the applicant and as such, this Tribunal has no jurisdiction to entertain this OA as held by a

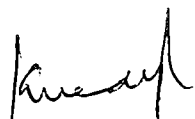


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co-ordinate Bench of the Tribunal in OA-1544/99 with connected matters. Learned counsel for the respondents submitted that this OA is liable to be dismissed.

7. After considering the rival contentions, I am of the view that this OA has no merits because the applicant is claiming regularisation in a group 'C' post and for a group 'C' post, the applicant can be recruited in C.P.W.D. through a S.S.C. examination and the recruitment rules do not permit regularisation on the basis of working of 240 days. Working of 240 days is applicable only to those casual labourers who are working as a group 'D' employee. Here in this case, the applicant who has been employed through a contractor as a typist as and when work is available, is unable to show as to how she could be regularised de hors the rules.

8. In the result, I find no merit in this OA which is accordingly dismissed. No costs.

  
( Kuldip Singh )  
Member (Judl.)

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