

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

OA No. 22 of 2020

Present: Hon'ble Mr. Swarup Kumar Mishra, Member (J)

Hon'ble Mr. C. V. Sankar, Member (A)

1. Sri Smrutiranjan Padhi, aged about 34 years, son of Sri Madan Mohan Padhi, at present residing At – Town Hall Road, P.O.-Upper Telenga Bazar, Purighat, Dist – Cuttack, 753009.
2. Shri Sisir Kanta Kalas, aged about 32 years, son of Sri. Bamdev Kalas, at present residing at – Ramachandrapur Bazar, PO – Jatani, Dist – Khurda, 752050.
3. Sri Ansuman Lenka, aged about 25 years, Son of Late. Brajakishore Lenka, at present residing at Tentuligadia, P.O. – Saragadia, Via – Charampa, Dist – Bhadrak, 756101.
4. Sri Sidharth Gobind Mohanty Lenka, aged about 24 years, Son of Sri Tushar Ranjan Mohanty, at present residing at B-105, Rupa – 4, Toshali Apartment, Satyanagar, Bhubaneswar – 751007.
5. Sri Sachida Nanda Nayak, aged about 32 years, Son of Sri Achutananda Nayak, at present residing at/post – Korapithapsp, P.S. – Odagaon, Dist – Nayagarh, Odisha – 752081.

6. Sri Ranjit Kumar Padhi, aged about 32 years, Son of Sri. Golak Chandra Padhi, at present residing at Argul Road, Near Sai Medical Store, P.O – Jatni, Dist – Khurda, 752050.

7. Sri BitihotraSurajit, aged about 27 years, Son of Sri AyodhyanathSurajit, at present residing at /PO – Arugul Road, P.S – Jatni, Dist – Khorda, Odisha - 752050

.....Applicant.

VERSUS

1. Union of India, represented through its Secretary, Indian Council of Agricultural Research, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110014.

2. Director, ICAR – Directorate of Food and Mouth Diseases Center, Arrul (near IIt campus) Jatni, Dist - Khurda.

3. General Manager, HR, Integrated Cleanroom Technologies Private Limited (I Clean), At – 403-406, SreeVensai Towers, P.O. – Varuna Block, Kompally, Hyderabad.

.....Respondents.

For the applicant : Mr. A. Mishra, Advocate.

For the respondents: Mr. S. B. Jena, Advocate.

Mr. A. Pradhan, Avocate.

Heard & reserved on :21.01.2021

Order on :01.02.2021

O R D E R

Per Mr. Swarup Kumar Mishra, Member (J)

The applicant by filing this OA, has prayed for the following reliefs under section 19 of the Administrative Tribunals Act, 1985:-

- (i) *To quash the orders at Annexure A/8 series where the prayers of the applicants have been rejected and direct the respondents to allow the applicants to continue working under the respondents on contractual basis;*
- (ii) *Or in the alternative direct the respondents to ensure that the applicants are engaged under the contractor in their respective posts and to ensure the job security of the applicants along with all other benefits they are entitled to, till ICAR-ICFMD, Argul, Jatni, Dist – Khurda continues to function when they work under the contractor;*
- (iii) *Or in the alternative pass any other order/orders as this Hon'ble Tribunal deem fit and proper in this case.*

2. This is third round of litigation. The applicant had earlier filed OA bearing No. 651, 659, 665, 664, 666, 663 & 660 of 2019 which were disposed of on 01.10.2019 by similar orders stating: "The OA is disposed of at this stage with liberty to the applicant to submit representation to Respondent No. 2/Competent Authority stating his difficulties as mentioned in the OA within one week from the date of receipt of copy of this order and if any such representation is received within the time as stipulated, Respondent No.2/Competent Authority shall consider and dispose of the same by passing a speaking order, copy of which is to be communicated to the applicant within two months from the date of receipt of representation. No costs.".

3. Thereafter applicant No. 1 had filed one MA No. 862/2019 for implementation of the above order dated 30.09.2019 and during the pendency of the MA the respondents disposed the representation of the applicant's vide letter dated 25.11.2019 (Annexure A/8 series) stating that the applicants cannot be allowed to continue under the respondents on contractual basis as they were continuing and further observed that the job offer given by the contractor to the applicants is a bilateral issue between the service provider and the job seeker and the respondents have nothing to do with the same.

Hence the OA.

4. We have heard the learned counsels for both the sides, gone through their pleadings and materials placed on records. It is apparent from the pleadings of the parties so also the pleading in the OA, that the applicant is at present not serving under the respondent department but has been engaged by one service provider/Respondent No. 3 i.e. IClean to render their service in the organization of the respondent. It was submitted by learned counsel for the respondent that the applicant has also approached Hon'ble High Court by filing writ petition and a case is also pending before the labour court in this connection. The aspect has not been disputed by learned counsel for the applicant. But he has not filed any document before this Tribunal to show the exact prayer made in the said cases.

5. However since the applicant is not serving under the official respondent but has been engaged by service provider i.e. Respondent No. 3, therefore this Tribunal does not want to go

deeper into those aspects as this Tribunal has got no jurisdiction to give direction to service provider for either engaging or discontinuing the service of the applicant. Since there is no employer and employee relationship between the applicant and the official respondents, therefore this Tribunal has got no jurisdiction to decide the matter. We have not gone into the merit of the case or as regards to allegation made by the applicant in this OA since this Tribunal has got no jurisdiction in the matter.

6. Accordingly the OA is dismissed but in the circumstances without any cost.

(C. V. SANKAR)
MEMBER (A)

(SWARUP KUMAR MISHRA)
MEMBER (J)

(csk)