

OA.1887/91

Date of Decision:07.05.1992

Shri Maha Singh  
Shri D. Shankar

Applicant  
Counsel for the applicant

Vs.

U.O.I. & Ors.  
Shri M.L. Verma

Respondents  
Counsel for respondents.

CORAM:

The Hon'ble Mr. J.P. Sharma, member(J)

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

JUDGEMENT(Oral)

(of the Bench delivered by Mr.J.P.SHARMA)

The applicant has a grievance that his services were unceremoniously and orally terminated in illegal, unjustified, arbitrary and malafied manner. The case is that he was working for about nine months at Prime Minister's house and was introduced for his employment by a Constructor Mr. Mann; The wages having been settled by Rs.900/- per month.

2. The applicant has claimed the relief that the oral order of termination dated 15.8.91 be quashed directing the respondents to pay the applicant, wages due to him for the services already rendered.

3. I have heard the learned counsel for the applicant Shri D. Shankar and for the respondents Shri M.L. Verma. A person, who comes for the redress of his grievance by an employee of the Central Government or its organisation, and so must be holder of a civil post. Even going through the application, the applicant has, as a matter of fact, stated

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that he was appointed by a middleman, the contractor Shri Mann to serve at the Prime Minister's house under the control and supervision of the respondents, the CPWD, New Delhi. In para-2 of the application, it is stated "However his salary was not directly paid by the respondents. The applicant was paid his salary/wages through the contractor on whose recommendation he was appointed. Not only this, the whole of rejoinder throughout its length from para-1 to the last para goes to show in clear words, that the applicant was at the command of the contractor Mr. Mann at the Prime Minister's house.

4. The applicant through lawyer gave legal notice which was replied by the Executive Engineer CPWD on 19.2.91, that the applicant was never engaged by them and if he was kept by any contractor by name, Shri Mann, then the remedy should be availed of against the same person.

5. The respondents in their elaborate counter denied the para-wise averments made in the application.

6. Along with the rejoinder, the applicant has also filed as annexure, some Attendance Register extracts of January 1990 but on perusal of the photostat copy furnished goes to show overwriting over the name Maha Singh on the first page of the Attendance

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Sheet at Page-34 of the paper book. Another Attendance Sheet of February 1990 also have been filed which ofcourse have no over writing against the name of the applicant but at the same time to which place he belongs, office or private concern, is not mentioned at the top of page 34. The learned counsel referred to the fact that the applicant was appointed by the respondents at the recommendation of Sri Mann. This contention does not find support by any writing, whatsoever, or by the conduct of the applicant himself during the course of his employment. In view of the above facts that the applicant is not the holder of the civil post under the Union. The applicant has also invoked the provisions of Contract Labour(Regular and Abolision) Act, 1970. In this connection, the learned counsel for the respondents has referred to the decisions reported in the case where, it has been held ( ) that contract labour employed by a contractor does not become an employee of the principal employer.

8. In view of the above facts and circumstances and without going through the further details in the matter, as the applicant is not holder of the civil post under the Union, he does not come within the purview of the Central Administrative Tribunal Act, 1985. Act, 1985.

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9. The application is, therefore  
dismissed as not maintainable.

*B. N. Dhole*

(B.N. DHOUNDIYAL)

MEMBER(A)

07.05.1992

*J. P. Sharma*

(J.P. SHARMA)

MEMBER(J)

07.05.1992

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