

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

Regn.No. OA-1906/91

Date of decision: 5.2.1993

Shri Prem Narayan

.... Applicant

Versus

Union of India through
Secy., Ministry of
Urban Development &
Another.

.... Respondents

For the Applicant

.... Shri Shankar Raju, Advocate

For the Respondents

.... Miss Jasvinder Kaur, Proxy
Counsel for Shri Jog Singh,
Advocate.

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice-Chairman(J).

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. To be referred to the Reporters or not? *yes*

JUDGEMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicant, who has worked in the office of the respondents pursuant to work orders issued to him, claims that he should be regularised in the service of the respondents.

2. We have gone through the records of the case and have heard the learned counsel for both the parties. The facts of the case are not disputed. On 3.4.1989, the Executive Engineer in the office of the respondents engaged the applicant

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for providing services for operating sluice valve at Aram Bagh, New Delhi, w.e.f. 4.4.1989 for a period of six months at a consolidated rate of Rs.1200/- per month. A copy of the work order issued to the applicant is at Annexure A-2, page 11 of the paper-book. The work of the applicant was being supervised by the Junior Engineer and he had to work intermittently/part-time from 5.00 A.M. to 8.30 P.M. Another work order was issued to the applicant thereafter for a further period of six months from 4.10.1989 at a consolidated rate of Rs.1600/-. In view of this, the applicant claims that he has completed 240 days' work and that he ought to have been continued in service. The applicant made a representation to the Executive Engineer on 16.5.1991, which was rejected by him on 31.5.1991 in which it was stated that the work awarded was on contract basis and that he was not an employee of the respondents.

3. According to the respondents, the work order was awarded after obtaining rates by calling of quotations and the rate of the applicant was found the lowest and he was given the contract twice. The applicant was not an employee of the respondents but was only a contractor who had given his quotations for rendering of services.

4. The learned counsel for the applicant stated that the work is of a continuing nature and that calling of quotations from the prospective bidders for the work, is not legal. We

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see no illegality or unconstitutionality in parcelling out the work of specific nature to contractors after inviting quotations. The remuneration given to such contractors cannot be termed as 'salary'. It may be that the Junior Engineer or some other officer of the respondents might have supervised the work of the contractor, but this ^{or} ~~is~~ by itself would not create master-servant relationship. Engagement of casual labourers in Government offices is done by requesting for nominating persons from the Employment Exchange. The persons who are to be engaged as casual labourers, should also be within certain age-limits prescribed for the purpose. No such formality has been followed in the instant case. The respondents have produced the comparative statement of the quotations received by them at page 24 of the paperbook. In case, the applicant was the lowest bidder, he would have been given the contract again, but this was not the case.

5. In the light of the above, we see no merit in the present application and the same is dismissed. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 5/2/93
Administrative Member

P.K. Kartha
5/2/93
(P.K. Kartha)
Vice-Chairman(Judl.)