

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Original Application No.407/2005

This the 16th day of September 2005

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Satish Chandra, aged about 33 years, Son of late Pooram Masi Ram, Resident of C/o J.K. Verma, G-33, Income Tax Colony, Wazirhasan Road, Lucknow.

... Applicant.

By Advocate: Shri Ratnesh Lal.

Versus.

1. Union of India through the Secretary, Department of Central Excise, New Delhi.
2. Chief Commissioner of Central Excise, 19, Vidhan Sabha Marg, Lucknow.
3. Commissioner, Central Excise, 7th Ashok Marg, Lucknow.
4. Assistant Commissioner, Central Excise, Division-I, Rahat Apartment, 60-B' Prag Narayan Road, Lucknow.

... Respondents.

By Advocate: Shri Manoj Singh.

ORDER (ORAL)

BY HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Heard the Counsel.
2. In the light of the decision of the apex court in the case of Union of India vs. R.N. Ayare (2004, SCC (L & S), 649 where it is stated that the casual worker if working, government is precluded from allotting the work to a contractor unless the department is exempted from purview of abolition of Contractual Labour Act. The applicant who had been reinstated on daily wages in pursuance of directions issued in O.A. 508/01, on 11.1.02 his grievance is that the respondents changed the condition of service detrimental to the interest of the applicant.
3. In the light of the above decision, this O.A. is disposed of with the direction that if the department is not exempted in any manner from the purview of Contractual Labour Act, status of the applicant would not be disturbed and he would be allowed to work with the respondents subject to rules and instructions on the subject. No costs.


(Shanker Raju)
Member(J)