

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.352/90

S.G.Mishra & 17 others.

.. Applicants

vs.

Union of India and 3 ors.

.. Respondents

Coram: Hon'ble Member(A) Shri P.S. Chaudhuri
Hon'ble Member(J) Shri D.K. Agrawal

Appearances:

1. Mr.D.B.Walthare
Advocate for the
applicants.
2. Mr.R.B.Pendharkar
Advocate for the
respondents.

JUDGMENT

{Per D.K.Agrawal, Member(J)}

Date: 21-6-1990

This application under Section 19 of the Central Administrative Tribunals Act, 1985 is directed against employment of contract labour under the provisions of Contract Labour (Regulation and Abolition) Act, 1970, and consequently to set aside the tender notice (Annexure-1). It has also been prayed that a direction be issued to Respondents No.1 to 3 to regularise the service of the applicants who have been employed as contract labour for the past number of years in National Environmental Engineering Research Institute, Nagpur (Respondent No.3)

2. The learned counsel for the applicants relied upon a decision of the Supreme Court in the case of Catering Cleaners of Southern Railway v. Union of India and another, AIR 1987 SC 777,

DR Agrawal

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wherein a direction was issued by the Hon'ble Supreme Court to the Central Government to take appropriate action under Section 10 of the Contract Labour (Regulation and Abolition) Act in the matter of prohibiting the ~~employment~~ employment of contract labour in the work of cleaning catering establishments and pantry cars in the Southern Railway. Therefore the first ^{step} is to be taken by the appropriate Govt. within the meaning of Section 10 of the above act. ^cOne the employment of contract labour is prohibited the next question i.e. regularisation of service would arise.

3. This Tribunal has been constituted to deal with the service matters. As such neither a mandamus can be issued to the appropriate Govt. by us prohibiting employment of contract labour nor a tender issued for employment of contract labour can be quashed by us. The Tribunal would come into the picture only after the appropriate Govt. takes an action prohibiting employment of the contract labour. Then only the question of regularisation of service would arise. Till such stage the Tribunal has no jurisdiction over the matter. We are therefore unable to issue any mandamus to the appropriate government for employment of contract labour. We are also unable to quash the tender notice (annexure-1). All this is beyond our jurisdiction. The main petition is therefore misconceived. The application is premature

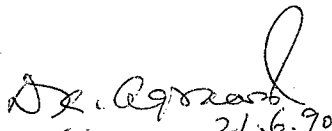
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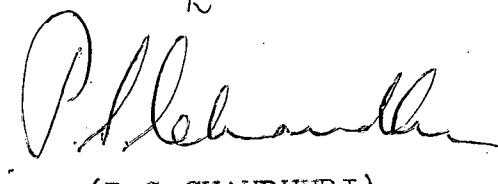
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and not entertainable by the Tribunal for the two reliefs mentioned above viz. directing the Govt. against employment of contract labour under the provisions of Contract Labour(Regulation and Abolition)Act,1970 and consequently to set aside the tender notice(Annexure-1).

4. We may also refer to a judgment/pronounced (O.A.35/90) by the New Bombay Bench of this Tribunal wherein the petition has been dismissed almost on the same ground.

5. For these reasons we dismiss this main petition summarily without any order ^{as to} ~~for~~ costs.


(D.K.AGRAWAL)
Member(J)


(P.S.CHAUDHURI)
Member(A)