

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1131/95.

Dt. of decision : 10-03-98.

G.Mallesh

.. Applicant..

Vs

The Chief Executive,
Nuclear Fuel Complex,
Hyderabad.

.. Respondents.

Counsel for the applicant : Mr.P.B.Vijaya Kumar

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JDUL.)

B

ORDER

ORAL ORDER (PER HON.SRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.Patro for Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant claims that he was engaged for cleaning, loading and unloading of various materials from central stores to various plants inside the Nuclear Fuel Complex, Hyderabad. On that ground he prays for a direction to the respondents to absorb him in the complex w.e.f., such date as this Tribunal may deem fit with all consequential benefits and attendant benefits.

3. The respondents have filed their counter stating that the applicant was not at all working directly under the complex that a contractor was engaged for the purpose of collection, transportation and loading and unloading of materials that the applicant was working under the contractor that they ^{had} entrusted work to the contractor under the provisions of the Contract Labour (Regulation & Abolition) Act, 1970 that considering merits of certain employees who had approached the Hon'ble High Court of A.P. they were appointed on regular service, that the decision of the Hon'ble Supreme Court relied upon by the applicant relates to the case of contract labour engaged by public sector undertakings on continuous basis that the applicant was not engaged by the respondents directly that his claim for regularisation/absorption cannot be accepted when those persons who ^{were} ~~are~~ continuously working as contract labourer on job on regular turn and were considered for absorption ^{on} ~~of~~ merits of those cases and that the complex is not in a position to provide a regular employment to all the employees engaged by the petty contractors who were awarded work of intermittent nature and ~~on~~ that there are no grounds to entertain this OA.

Te

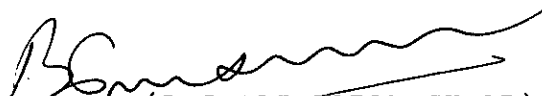
4. The learned counsel for the applicant stated that the NFC had engaged the applicant for the purpose of loading and transporting certain materials from central stores to various plants inside the complex. But he has not been able to establish the direct relationship master and servant between him and the complex. It is stated for the respondents that the applicant was engaged through a contractor for petty works under the provisions of the Contract Labour (Regulation & Abolition) Act, 1970.


5. Further the applicant cited certain cases of the employees regularised in the complex, as per the directions of the Hon. High Court of A.P. The applicant has not analysed those cases and stated in what way he is similarly placed with those of the applicants whose case were considered by the complex and regularised.

6. The applicant is working under a contractor. His case for regularisation can only come after the contract labour system is abolished. In case the contract labour system has to be abolished then he has to approach the competent authority under section 10 of the Act, 1970. Further the respondents have specifically stated that there is no work in the complex for regularising those employees who were engaged by the contractor for petty works intermittently. The applicant had not worked directly under the complex.

7. In that view of the matter we feel that the applicant cannot claim for regularisation under the complex. However if there is a recruitment for engaging labourers directly by the NFC by freshers then the case of the applicant may be given preference.

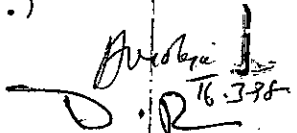
8. With the above direction the OA is disposed of. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)
10.3.98


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 10th March, 1998.
(Dictated in the Open Court)

spr



93/2/94
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 10/3/98

~~ORDER/JUDGMENT~~

~~M.A./R.A/C.A.NO.~~

in

D.A.NO. 1131/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLIED

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~DISMISSED FOR DEFAULT~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

