

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR

Date of decision: 20.01.2004

OA No.593/2003

Surendra Kumar Persoya s/o Shri Ghasi Lal Persoya r/o Plot No.951, Behind Govt. Dispensary, Jagatpura Katchi Basti, Jaipur.

.. Applicant

VERSUS

1. Union of India through the Secretary (Rev.), Ministry of Finance, Vitya Bhawan, New Delhi.
2. The Chief Commissioner, Central Excise and Customs Department, Government of India, Statue Circle, Jaipur

.. Respondents

Mr Kumarl Rawat - counsel for the applicant

CORAM:

Hon'ble Mr. M.L.Chauhan, Member (Judicial)

ORDER (ORAL)

The applicant has filed this OA praying for the following reliefs :-

- "(a) by an appropriate order or direction the verbal termination thrust upon the applicant since 5.7.2002 may kindly be quashed and set aside and further the non-applicants/respondents may also kindly be directed to allow the applicant to perform his duties on his post of Farrash.
- (b) By an appropriate order or direction this Hon'ble Tribunal may kindly direct the respondents, particularly the respondent No.2 regularise the services of the applicant from the date of his initial appointment in the pay scale of Group-D



applicable in the respondents department.


- (c) Cost of this Original Application may also kindly be awarded to the applicant and
- Any other order or relief which may be deemed fit in the circumstances may also kindly be passed in favour of the applicant in the larger interest of equity justice and law."

2. The facts of the case are that the applicant was initially appointed as Farrash on contingent basis at the rate of Rs. 55/- per day on 8.5.2001. He was allowed to continue in that capacity till his services were terminated verbally on 5.7.2002. The applicant has further stated that after termination of his services, the respondents have appointed some persons in the month of December, 2002 in the same capacity. The applicant has submitted repeated representations but of no avail.

3. I have heard the learned counsel for the applicant at admission stage.

3.1 I am of the view that this Tribunal has no jurisdiction, power or authority to decide the matter as the applicant was never holder of a civil post nor he has been appointed against any post in the Union of India. He was engaged simply as contingent worker. In case he is aggrieved by the termination of his engagement as contingent worker and also by any action of the respondents engaging some persons afresh ignoring the claim of the applicant, the remedy lies elsewhere, as such no relief can be granted to the applicant.


3.2 Further, the applicant could not satisfy this Tribunal as to whether he is entitled for regularisation



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or grant of temporary status in terms of any scheme. Under these circumstances, if there is violation of ^{any provisions of} Industrial Disputes Act, inasmuch as, the services of the applicant has been terminated in violation of Section 25 (F), (G) or (H) of the Industrial Disputes Act, the applicant may pursue his remedy before the Industrial Tribunal/Labour Court.

3.3 With these observations, the OA is disposed of at the admission stage.


(M.L. CHAUHAN)

Member (J)