

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.1199/2016
M.A.No.3982/2015
with
O.A.No.1226/2016
M.A.No.3981/2015

Order Reserved on: 04.04.2016
Order pronounced on 19.04.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

O.A.No.1199/2016:

1. Vivek Dhyani
S/o Sri S.P.Dhyani
Age about 31 years
R/o B-14 Vikash Puram
Shanti Vihar
Raipur Road
Adhoiwala
Dehradun.
2. Km. Jyoti Bisht
D/o Sri Keshar Singh Bisht
Age about 30 years
R/o Indraprasth Enclave
Sewla Kala
Dehradun U.K.
3. Km. Meenakshi Bhatt
D/o Sri Bharat Bhushan Bhatt
Age about 24 years
R/o Vill. Ratanpur
Naya Gaon Pelio
Dehradun.

4. Km. Pooja Singh
D/o Late Sri Gopal Singh
Age about 24 years
R/o 66-New Collony
Ballupur Chawk, Dehradun.
5. Viral Kumar
S/o Sri Dharampal Singh Chauhan
Age about 26 years
R/o Lane-2
Param Vihar, Kanwali Road
Dehradun.
6. Anshul Sharma
S/o Sri Rameshwar Sharma
Age about 23 years
R/o Vill. Sewla Khurad
Dehradun.
7. Ravindra Chaudhry
S/o Sri Bhopal Singh Chaudhry
Age about 25 years
R/o Azad Collony
P/O Majra
Dehradun.
8. Tanuj Tomar
S/o Sri Shailendra Tomar
Age about 34 years
R/o Vill. Sar-Dharwala
P/O Bhogpur, Dehradun U.K.
9. Km. Rakhi Mehar
D/o Sri Sundar Singh Mehra
Age about 29 years
R/o 15 THDC Collony
Pathri Bag
Dehradun.

10. Smt. Sapana Goyal
W/o Sri Anurag Goyal
Age about 36 years
R/o HN10 Ekta Vihar
B-Block, Ajabpur Khurd
Dehradun.
11. Satveer Singh
S/o Late |Sri Sukhveer Singh
Age about 34 years
R/o Rankhandi, Saharanpur.
12. Smt. Bhagirathi Bisht
W/o Sri Anil Bist
Age about 35 years
R/o HN-2
Shimla Road
Dehradun.

Designation of all the applicants is Data Entry Operator.

....Applicants

(By Advocate: Sh. Dheeraj Kumar)

Versus

1. Union of India
Through Secretary
Ministry of Finance
New Delhi.
2. Comptroller and Auditor General of India (CAG)
New Delhi.
3. Accountant General
Lekha & Haqdari
Uttarakhand
Dehradun.

... Respondents

with

O.A.No.1226/2016:

1. Km. Hema Visht
D/o Shri Jai Singh Bisht
Age about 26 years,
R/o HN-2 Shimla Road
Dehradun.
 2. Vishal Bhatt
S/o Shri Ramesh Bhatt
Age about 26 years
R/o Konshwali
Nauganwa
Manduwala
Dehradun.
 3. Smt. Suchita Dhyani
w/o Shri Brij Mohan Dhyani
age about 35 years
R/o Sewla Kala
Dehradun.
- ... Applicants

(By Advocate: Sh. Dheeraj Kumar)

Versus

1. Union of India
Through Secretary
Ministry of Finance
New Delhi.
 2. Comptroller and Auditor General of India (CAG)
New Delhi.
 3. Accountant General
Lekha & Haqdari
Uttarakhand
Dehradun.
- ... Respondents

O R D E R (Common)

By V. Ajay Kumar, Member (J):

Since the facts and issues involved in both the aforesaid OAs are common, they are being disposed of by way of this common order.

2. Heard Shri Dheeraj Kumar, the learned counsel for the applicants in both the OAs.

3. MAs, filed in the respective OAs for joining together are allowed.

4. Admittedly, the applicants were engaged by private companies/firms for undertaking the work of Data Entry in the 3rd Respondent-Department, by way of outsourcing. No single document is filed to establish any relationship of master and servant (i.e., employer and employee), even as casual/daily wage/contract/temporary basis between the applicants and the respondents.

5. Further, the various Annexures enclosed to the OAs indicate that the applicants were engaged by Guard Well Security Services Private Limited, Bombay Intelligence Security (India) Limited, etc. and that the applicants were receiving salaries also from the said private companies/firms only.

6. In view of our above findings, the disposal of OA No.2373/2015 and OA No.2374/2015, earlier filed by the applicants and the letters issued to the applicants by the respondents, in pursuance of the said earlier orders of this Tribunal, indicating that the applicants are outsourced employees and since regular Data Entry Operators,

through Selection Committee joined duties, that they have reduced the outsourcing work, would not create any jurisdiction to this Tribunal.

7. Since this Tribunal has no jurisdiction over the private companies, which said to have been engaged the services of the applicants, for doing the Data Entry work of the respondents by way of outsourcing, and later on alleged to have terminated their services, both the OAs are dismissed for want of jurisdiction. However, this order shall not preclude the applicants from approaching any appropriate forum, if they are so advised, in accordance with law. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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