

OA.No.170/00084/2018/CAT/Bangalore Bench
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00084/2018

DATED THIS THE 22nd DAY OF NOVEMBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V.SANKAR, MEMBER (A)

C.M.Jayarama
Age: 37 years
S/o.R.Mariyappa
Ex-Contingent Employee
O/o Principal Commissioner
Central Excise
Bangalore Zone
Queens Road
Bangalore-560001.
And residing at:
Behind AC Office
Sweet Water Well
Madhugiri Town-572132.

...Applicant

(By Advocate Sri P.Kamalesan)

Vs.

1. Union of India
Represented by Secretary
Ministry of Finance
Department of Economy Affairs
New Delhi-110 001.
2. Principal Chief Commissioner
Department of Central Excise
Bangalore Zone
Queens Road
Bangalore-560001.
3. Administrative Officer
Custom HQRS
O/o Principal Commissioner
Central Excise & Customs
Bangalore-560001.
4. William Shadrach
Working as 'Sepoy'
Bangalore II Central Excise
Commissionerate
Bangalore-560001.
5. S.Marar

Working as Sepoy
Bangalore I Central Excise
Bangalore-560001.

...Respondents

(By Advocate Sri K.Dilip Kumar)

O R D E R (ORAL)

(PER HON'BLE DR.K.B.SURESH, MEMBER (JUDL.)

Heard. The applicant raised one pertinent point that against the existing Contract Labour Abolition Act can the governance system engage a contract labour. Even though it has been mandated by the 5th Pay Commission, the answer has sure been in the negative because a statute cannot be counter-mandated by an executive order. But the fact remains that according to the applicant, the claim of the applicant has arisen in 2014 and he has approached the Tribunal in 2018. We are in no position to considering the matter which has been rendered limited by efflux of time. The OA is therefore dismissed. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA.No.170/00084/2018

Annexure A1: Copy of applicant's representation dtd.29.11.2017

Annexure A2: Copy of the service certificate dtd.27.11.2017

Annexure A3: Copy of the order dtd.16.03.2018

Annexure A4: Copy of applicant's representation dtd.19.03.2018

Annexure A5: Copy of the order dtd.23.04.2018

Annexure A6: Copy of the circular dtd.31.10.2016

Annexures with reply statement:

-NIL-
