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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 779/2017**

**ANIL KUMAR AND ORS.**

..... Petitioners

Through Mr. A.K. Shukla, Mr. Ashok Shukla &  
Mr. Deepak Kumar, Advocates.

versus

**MINISTRY OF DEFENCE, GOVERNMENT OF INDIA AND ORS.**

..... Respondents

Through Mr. Vinod Diwakar, CGSC for UOI.

**CORAM:**

**HON'BLE MR. JUSTICE SANJIV KHANNA**

**HON'BLE MR. JUSTICE CHANDER SHEKHAR**

**ORDER**

**30.01.2017**

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**CM No. 3584/2017**

Exemption application is allowed, subject to all just exceptions.

**W.P.(C) No. 779/2017**

The petitioners, 13 in number, impugn the order dated 30<sup>th</sup> November, 2016 passed by the Principal Bench of the Central Administrative Tribunal (Tribunal, for short) whereby OA No. 2824/2015 filed by them has been dismissed.

2. Having heard learned counsel for the petitioners, we are not inclined to interfere with the impugned order, which holds that the petitioners were, in fact, employees of a private contractor, namely, M/s Sublime Management Solutions Private Limited. The said contractor used to pay them salary and would deduct EPF, ESI, etc., which were deposited with the

authorities.

3. Reliance placed by the petitioners on the identity cards issued by the Director General of Defence Research and Development Organisation (DRDO) would not, in our opinion, make the petitioners employees of the said organisation. Employees deployed by contractors were issued identity cards by the DRDO for their access to the DRDO establishment so that they can attend their duties as per the contract. It is also correct that some of the temporary passes issued to the petitioners were prior to 9<sup>th</sup> September, 2011, but this would not make any difference because the petitioners may have been employed and working under contractors whose services were earlier utilised by the DRDO. Mere issue of identity cards would not establish or create employer and employee relationship. The petitioners have not placed on record any appointment letter. They do not claim that salary was paid by the DRDO.

4. The petitioners, it is accepted and admitted, were not appointed by a any selection process, which was advertised and conducted in a transparent manner and in accordance with the recruitment rules. The plea and contention of regularisation has been rightly rejected.

5. At this stage, leaned counsel for the petitioners submits that there has been violation of Contract Labour (Regulation and Abolition) Act, 1970. This plea, we observe, could not be specifically elucidated and established before the Tribunal. In case the petitioners have any remedy under any other law and if any rights have accrued because of alleged violation of the aforesaid enactment or otherwise, it is open to the petitioners to take recourse to the said remedy. The impugned order would not bar or prohibit such remedy as available in law, for the Tribunal has held that the

petitioners were not employees of the DRDO.

With the aforesaid observations, the writ petition is dismissed.

**SANJIV KHANNA, J.**

**CHANDER SHEKHAR, J.**

**JANUARY 30, 2017**  
**VKR**