

(1992) 05 DEL CK 0065

In the Delhi High Court

Case No : Civil Writ Appeal No. 1769 of 1992

Savitri Devi and Others

APPELLANT

Vs

Air India International and Others

RESPONDENT

Date of Decision : 15-05-1992

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1992) 48 DLT 121 : (1992) 23 DRJ 255 : (1995) 3 LLJ 89

Hon'ble Judges : Sat Pal, J;G.C. Mittal, J

Bench : Division Bench

Advocate : C.L. Nasimhan, for the Appellant;

Judgement

Gokal Chand Mital, J.

(1) The petitioners were appointed ladies security searchers through M/s. Marshal Security and Detective Agency to work on the International Airport for Air India security. Later on M/s Marshal Security and Detective Agency was converted into M/s Super Safe ways (P) Ltd. and the petitioners wanted to be employees of M/s Super Safe ways (P) Ltd.

(2) In 1990, the Air India International advertised for direct recruitment of security searchers and the petitioners applied for the said posts. Since they were over-age, they were not allowed to compete and direct recruitments were made.

(3) Now when the contract of M/s.Super Safe ways (P) Ltd. is coming to an end on 15th May.1992, this writ petition is being filed to claim regularisation not against their employer M/s. Super Safe ways (P) Ltd. but against Air India International.

(4) In support of his contention, the learned counsel has strongly relied on M.M.R. Khan and others etc. Vs. Union of India and others, etc.,

(5) There is no merit in the contention raised by the learned counsel. We find that the ratio in the aforesaid two judgments of the Supreme Court is not

applicable to the facts of the present case.

(6) In Munna Khan's case a(supra), on the peculiar facts and the circumstances of that case, the Supreme Court had directed the Central Government to take a decision u/s 10 of the Contract Labour (Regulation and Abolition) Act, 1970, as to whether employment of contract labour should be prohibited in the work of cleaning catering establishments and pantry cars in the Western Railways.

(7) In M.M. Khan's case (supra), the Supreme Court held that in view of the Government of India notifications dated 11th December, 1979 and 23rd October, 1980, since the employees of the departmental canteens in other Government departments were declared as holders of civil post as under the Government of India, the aforesaid notifications- were also applicable to the employees working in the canteens run by the railways and as such the employees working in the canteens run by the railways were also held to be railway servants.

(8) The present case is fully covered by the recent judgment of the Supreme Court in Dena Nath and others Vs. National Fertilisers Ltd. and others, . In this case, the Supreme Court held that under Article 226 of the Constitution, the High Court could not issue mandamus for deeming the contract labour as having become the employees of the principal employer.

(9) Accordingly, following the Dena Nath's case (supra), we dismiss the writ petition in liming.