CEO who are not authorized to appoint the DEOs to attend the work in their zone. In their reply the claimants have also stated that the petition is not maintainable in as much as the reference has been made by the appropriate government to adjudicate if there exists employer and employee relationship between the Chief Electoral Officer and the claimants. It has also been stated that Chief Electoral Officer is the Nodal Authority under whose supervision and control the District Election Officers and Assistant Election Officers work. Merely because some of the claimants are working in the premises of the District Election Officer it cannot be said at this stage that the Chief Electoral Officer is not the employer of the claimants.

On hearing the argument advanced by both the parties and on perusal of the reference received from the appropriate government it is found that the employer and employee relationship between the claimants and the Chief Electoral Officer being an issue for adjudication of the proceeding the name of the Chief Electoral Officer cannot be deleted as it is a necessary party for complete and effective adjudication of the dispute. Similarly, there being no evidence at this stage to presume that the claimants were appointed by the district election officer the later cannot be impleaded as a proper party to this proceeding. The petition filed under Order 1 Rule 10 CPC by the CEO is rejected for the aforesaid reasons.

WS has not been filed. Call the matter on 10.10.2022 for written statement by the management.

Presiding Officer
23/09/2022

ID. NO. 20/2022

23/09/2022

Present:-

Shri Rajiv Agarwal & Shri N. Bhushan, A/R for the claimant with the claimants.

Shri Rishikesh Kumar, Ld. A/R for the management CEO.

This order deals with an application filed under O1R10 of the CPC by the management i.e. the Chief Electoral Officer Government of NCT Delhi. Copy of the petition being served on the claimant the hearing commenced wherein both the parties participated and advanced their respective argument.

The reference has been received from the appropriate government to adjudicate if the employer and employee relationship exists between the workers and the management of office of the Chief Electoral Officer / Department of Information Technology GNTCD and if the action of the management that is the office of the Chief Electoral Officer, department of Information technology, GNTCD and NIELIT in terminating the service of the workman is legal and justified.

In the application the respondent CEO has pleaded that the statement of the claim and the annexed documents clearly shows that the claimants are employed in the district election office. Those district election officers are the head of the department of the respective districts and the DEOs have been engaged at their level on out sourcing basis. The work of the said DEOs are being monitored and supervised by the district election officer. As such, the CEO has nothing to do with their employment. Hence, the respondent CEO has prayed for deletion of its name from the proceeding and impleadment of the district election officer as a necessary party.

The claimants have all along pleaded that they are the employees of the Chief Electoral Officer and are working under the overall supervision and control of the said management though deputed to work in the different offices like District Election Office, Electoral Registration Office e.t.c. It is the claim of the workman that the Chief Electoral Officer Government of NCT is the Principal Employer and the relief has been sought for regularization of their service with retrospective effect and equal pay for equal work from the said management. But in the petition filed under O1R10 of the CPC the management Chief Electoral Officer has pleaded that the Chief Electoral Officer Delhi has been unnecessarily made a party in this proceeding though the pleading of the claimants is clear to the extent that they were selected through a third party i.e NIELIT. It has also been stated that the claimants are working in the office of District Election Officer which are under the administrative control of the