

OA/654/87

H.M. Brahmabhatt,  
2/53, P.A. Quarters,  
Opp. Tatanagar,  
Meghaninagar Road,  
Ahmedabad - 380 016.

.. Applicants

(Party-in-person)

Versus

(Same as above)

.. Respondents

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Hon'ble Mr. G.S. Nair .. Vice Chairman

C O M M O N - O R D E R

Date : 19.3.1990

Per : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

In this batch of cases, the petitioners have approached the Tribunal under section 19 of the Administrative Tribunals Act, 1985 for the relief of reinstating the petitioners whose services have been wrongly terminated on the ground of their not passing the tests for regular appointments. The petitioners Mr. H.M. Brahmabhatt in OA/654/87 and Mr. Amarkotia in OA/628/87 and Mr. J.D. Ajmera, learned advocate for the respondents were present and heard. The petitioners wanted time to arrange the services of an advocate but it is found that the cases were adjourned several times and opportunity was available to the petitioners for arranging an advocate earlier. Mr. Ajmera's plea is that those petitioners who succeeded in the tests held for them have been given regular appointments and those petitioners who failed in the test have no case for claiming regularisation

as has been held in OA/19/88 decided by the Central Administrative Tribunal, Allahabad Bench on 18th May, 1989 and OA/322/87 decided by Jabalpur Bench on 28th July, 1988.

2. No other contention <sup>which</sup> will justify the continuation in service of the petitioner has been brought out. The petitioners cannot compare their case with those who have been given regular appointments on passing the required tests. Mere similarity of educational qualification or experience on daily rate wages basis cannot be equated with the fulfillment of requirement of passing the test and on equal pay for equal work principle, they cannot claim regularisation. The case cited by the petitioners in which the Supreme Court directed regularisation of daily rated employees does not apply because there is no direction that without regularisation, the wages and the terms of appointment of regular basis can be given to daily rate wages holders and in this case for regularisation, tests have been offered to the petitioners who have failed therein and to those petitioners who passed the tests regular appointments have been given.

There appears to be no case for those who have failed in the test, <sup>and application filed</sup> in their case there is no merits in the case, and the cases are disposed of <sup>accordingly</sup>.

TRUE COPY

Sd/-

( G.S. Nair )  
Vice Chairman

Sd/-

( P.H. Trivedi )  
Vice Chairman

*U. D. S. Nair*  
27/3/90  
K. D. S. Nair  
Section Officer  
Central Administrative Tribunal  
Allahabad Bench.