

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~
Ahmedabad

O.A./T.A. No. 176 1988

Shri H. P. Dave

Applicant(s)

(Adv. B. B. Oogia)

Versus

Union of India & others

Respondent(s)

(Adv. -)

| Sr. No. | Date | Orders |
|---------|---------|------------------------------------------------------------------------|
| | 12/4/88 | - RPAD received from applicant. |
| | 14/6/88 | Pl. issue P.A. notice to respondents — pending admission. |
| | 28/6/88 | RPAD received from both respondent. - RPAD received from applicant. |

Employment/Absorption



Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman
Hon'ble Mr. P.M. Joshi : Judicial Member

12-4-1988

Heard Mr.B.B.Gogia and Mr.J.D.Ajmera learned advocates for the applicant and the respondents. Pending admission, issue notices on the respondents to reply on limitation, merits and the present position regarding disposal of the representation made within 45 days from the date of this order. The case be posted on 16/6/1988 for admission.



(P.H.Trivedi)
Vice Chairman



(P.M.Joshi)
Judicial Member

a.a.bhatt

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Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman
 Hon'ble Mr. P.M. Joshi : Judicial Member

28/6/1988

Heard Mr.B.B.Gogia and Mr.J.D.Ajmera learned advocates for the applicant and the respondents. The petitioner claims relief on the ground of instruction at Annexure IV No.1106 NG-E II/51/71(Clause-II) dt.12.5.72 paragraph. His cause has arisen in 1982 but he claims that by virtue of Annexure V dated 14.5.1982 in which it was expected that orders will issue for absorption of retrenched personnel, He has made various representations since then which he has annexed and which has/e been duly forwarding to the Registrar General for disposal and he claims that he has a right to seek relief ~~as per~~ ^{which} ~~against~~ the policy at Annexure IV has not been considered to by the various offices to which he has approached. He does not claim to the reinstatement but to be absorbed.

Learned advocate for the respondent states that the case is clearly barred by limitation as the cause having arisen in 1982 and the petitioner having approached various recruiting agencies thereafter.

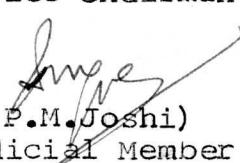
Another plea made by the advocate for the respondent is that all that the policy at Annexure IV dated 12.5.1972 states that certain relaxation is given to the petitioner and accordingly, the Govt. of India has issued instructions at Annexure III dated 15.2.1982 and Ministry of Home Affairs also issued letters to Chief Ministers for States Recruiting Agencies.

There is considerable force in the plea of the respondent. The petitioner has a cause against such recruiting agencies to whom he has approached and who according to him have not complied with the instruction from which he relies. The relief that can be given even if the petition ^{W.L.} to be admitted would be only in terms of such recruiting agencies complying with the instructions on which the petitioner relies. A proper application can be considered only if the petitioner brings out a case against the recruiting agencies to whom he has approached with an application and in response no reply has been issued or his case has not been considered. This will of course be subject to limitation. In the meantime, the petitioner may make a fresh application and the respondent authorities may consider drawing the attention of the Central recruiting agencies and State Govts. regarding the claim of the petitioner or employment in terms of the relaxation indicated at Annexure IV No. 1106 NG-E-II/51/71 (Clause-II) dt. 12.5.72.

While we do not admit the application for the aforesaid reasons, we feel that, the respondent authorities ^{may} consider steps for tightening of the implementation of the instructions ^{up to the recruiting agencies of the} namely the State Govts. but also the Central Govt. offices.

With these observations, the petition is rejected.


(P.H. Trivedi)
Vice Chairman


(P.M. Joshi)
Judicial Member