

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO: 352/87

199

T.A. NO: ---

DATE OF DECISION 9-1-1992

Suresh Dattatray Parab

Petitioner

Mr.Y.R.Singh

Advocate for the Petitioners

Versus

Union of India and others

Respondent

Mr.A.I.Bhatkar

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman

The Hon'ble Mr. ~~Mr.~~ A.B.Gorthi, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

mbm*

MD

(U.C.SRIVASTAVA)

(11)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.352/87

S.D. Parab,
C/o.D.D. Parab,
B-144/1, Govt. Colony,
Bandra(East)
Bombay - 400 051.

.. Applicant

vs.

1. The Union of India
through
The Secretary,
Ministry of Finance,
Dept. of Eco. Affairs,
Stock Exchange Division,
North Block,
New Delhi.
2. The Deputy Director(SE),
Ministry of Finance,
Govt. of India,
Dept. of Eco.Affairs,
Stock Exchange Division, 278,
'JEEVAN UDYOG',
Dr.D.N.Road, Fort,
Bombay - 400 001.
3. Under Secretary to the
Govt. of India,
Dept. of Eco. Affairs,
Ministry of Finance,
North Block,
New Delhi - 110 001.
4. The Secretary to the
Govt. of India,
Dept. of Personnel & Training,
(CS-II Section),
North Block,
New Delhi - 110 001. .. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman.

Hon'ble Shri A.B.Gorthi, Member(A)

Appearances:

1. Mr.Y.R.Singh
Advocate for the
Applicant.
2. Mr.A.I.Bhatkar
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 9-1-1992
(Per U.C.Srivastava, Vice-Chairman)

The applicant subsequent to passing
the examination viz. Bachelor of Arts completed
the course in Stenography appointed as Stenographer
Grade 'D' in the office of Stock Exchange Division,

Department of Economic Affairs, on 12-10-1982. Since then he has been working as Stenographer Grade 'D' continuously till 11-2-1987 when his services were terminated abruptly. The termination took place prior to declaration of the results of the regular examination in which the applicant has also appeared. The applicant has challenged the said termination order on the ground that he has attained the status of quasi-permanency and without giving showcause notice his services could not have been terminated. Instead of regularising his services the respondents have terminated the services of the applicant.

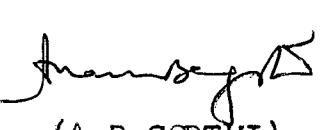
2. Respondents have opposed the claim of the applicant and have stated that the applicant has no claim in his appointment as he was appointed on ad hoc basis and the posts are only filled through the Staff Selection Commission.

Staff Selection Commission conducted the examination in the year 1982, 1983 and 1985, but the applicant did not make any attempt to appear in these examinations. He also appeared in the year 1987 in which he could not qualify. It is not denied that prior to declaration of results his services were terminated. According to the applicant he is not aware of the examination which took place in the year 1982, 1983 and 1985. He was only aware of the examination which took place in the year 1987 in which he appeared.

3. It is true that the posts are filled through Staff Selection Commission and the applicant cannot claim any right over the same

but the applicant has been working from the year 1982 for the five years continuously and his services were not terminated during this period on the ground that of incompetence or inefficiency. It may be true that the applicant was not aware of the earlier examination and that is why he appeared in the examination which took place in the year 1987. The examination is more or less a sort of gamble. He may not have succeeded in the said examination but he could have been given more opportunities as he could not avail the earlier opportunities. It has been stated that the post is not ^{been} filled and nobody is working in that post. There appears to be no reason why the applicant should not be allowed to continue on the said post till a regular appointment is made. However, as the applicant cannot claim the post the termination order passed cannot be quashed but it is directed that the applicant may be given one more opportunity to appear in the examination as and when it takes place and in case the applicant qualifies in the same regular appointment may be given. But as indicated above work can be taken from him even now if the post is lying vacant.

4. The application is disposed of accordingly. There will be no order as to costs.


(A.B.GORTHI)
Member(A)


(U.C.SRIVASTAVA)
Vice-Chairman

MD