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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH.

Original Application 645/87  
and

Original Application 769/88

Chandrakant Ganpat Shinde  
at & Post Paragaon  
Bhatodi, Tal. & Dist. Ahmednagar.

2. Sarjerao Ashru Dhakane
3. Sadashiv Chandrabhan Puneekar
4. Gangadhar Balu Bhand
5. Gokul Rangnath Chipade
6. Navruti Keru Kardile
7. Shakil Jenneddin Shaikh.
8. Uttam Gagadu Dangade
9. Ashok Maluji Pagare
10. Bhimrao Dipaji Gaikwad.
11. Shok Pandurang Gade.

... Applicants in  
OA 645/87

V/s.

1. Union of India through Scientific  
Adviser to the Min. of Defence  
Director General Research and  
Development Organisation,  
Ministry of Defence  
Sena Bhavan, DHQ PO  
New Delhi 11 0011
2. Director General  
Research & Development Organisation  
Ministry of Defence.  
Sena Bhavan, DHQ PO  
New Delhi 11 0011
3. The Director  
V.R.D.E.  
Ahmednagar.

... Respondents in  
OA 645/87

OA 769/88

1. Pratao C. Bhujbal, 1354 Juna Dane  
Dabra, Ahmednagar
2. Rajendra M. Wagh  
at PO Chitali Talq,  
Shrirampur, Dist.  
Ahmednagar.

... Applicants in  
OA 769/88

V/s.

1. Union of India through  
Secretary, Ministry of Defence  
Sena Bhavan; DHQ PO, New Delhi.

2. The Scientific Adviser to the  
Ministry of Defence  
Director General Research &  
Development Organisation;  
Ministry of Defence  
Sena Bhavan, DHQ PO  
New Delhi 110011

3. The Director  
V.R.D.E.  
Ahmednagar.

... Respondents in  
OA 769/88.

CORAM : Hon'ble Shri Justice U.C. Srivastava, Vice Chairman  
Hon'ble Shri P.S. Chaudhuri, Member (A).

Appearance.

Mr. S. R. Atre, Advocate  
for the applicants.

Mr. M.I. Sethna, Counsel  
for the respondents.

ORAL JUDGEMENT:

Dated: 30.8.1991

{ Per Shri U.C. Srivastava, Vice Chairman. }

1. In these two cases identical pleas have  
been taken and the issues are <sup>the</sup> same and hence these two  
applications are disposed of together.

2. The applicants were appointed during 1987 as  
casual Chowkidars in the office of Director General,  
Vehicle Research Design Establishment, Ahmednagar.  
They continued to work for 434 days in one case and  
439 days in the other case. They were then told that  
they will not be allowed to serve any more. The  
applicants feeling aggrieved approached the Tribunal  
stating that their names were duly sponsored through  
the Employment Exchange for the post of Chowkidar,  
they were appointed after interview and police  
verification, they have completed a particular period  
of service and so have attained certain status and  
their services cannot be terminated in such a manner.  
They have prayed for quashing the order of termination.

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and for permitting them to join their duties as Chowkidar.

3. The respondents have opposed the application and have stated that later on the department decided to have Chowkidars through contractors and that is why contractor's Chowkidars were appointed.

4. Shri S.R. Atre, learned counsel for the applicants, contended that in P.C. Bhujbal's case, OA No. 769/88, direct appointments have been made after the application was filed. Obviously the interview letters were issued to the applicant also but another person were selected. Against this the applicant cannot raise any grievance learned counsel made reference to the interim orders passed by the Tribunal stating that appointments made to the post by Respondent No. 3 would be subject to the outcome of this application. Obviously the department has interviewed certain outsiders and appointed them. The applicants cannot have a right over a particular post and the applicant cannot insist that no outsider in preference to them be appointed, although it would certainly have been desirable to consider the applicant. However, merely because it was desirable the applicant cannot claim to set aside the appointment of any outsider.

5. Shri S.R. Atre then contended that some interview letters were issued and some persons were appointed. It may be so. The respondents might have decided to appoint other persons and the applicants have nothing to do with that as the applicants were only casual Chowkidars and the department later on changed its policy and decided to have Chowkidars

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through a contractor. The applicants have no claim or right to such appointment. But in a way the Department is gradually *making and so* appointments to the post of Chowkidar directly *there* appears to be no reason why the claim of the applicants who have already served the department for a particular period will not be considered if there is nothing against their working and functioning.

6. *be considered* The cases of applicants in both the applications *for* appointment first in preference to others *as and when* any such vacancies arise. With this observation the applications stand disposed of with no order as to costs.

*P. S. Chaudhuri*

(P.S. CHAUDHURI)  
MEMBER (A)

*U. C. Srivastava*

(U.C. SRIVASTAVA)  
VICE CHAIRMAN