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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 Punekar
4. Gangadhar Balu Bhand
5. Gokul Rangnath Chipade
6. Navruti Keru Kardile
7. Shakil Jennisdin 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. Pratap C. Bhujbal, 1354 Juna Dane
Debra, 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.

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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 ^{the} 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.

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.

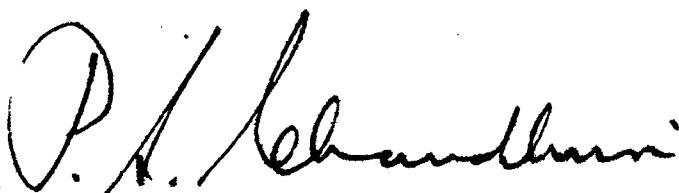
4. Shri S.R. Atre, learned counsel for the applicants, contended that in P.C. Bhujbal's case, OA No. 769/88, direct appointments have been made after the application was filed. Obviously the interview letters were issued to the applicant also but another person were selected. Against this the applicant 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 appointments to the post of Chowkidar directly and so 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. The cases of applicants in both the be considered 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)
MEMBER (A)



(U.C. SRIVASTAVA)
VICE CHAIRMAN