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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW ~~XXXXXXXX~~ BOMBAY BENCH.

O.A. No. 751/87  
~~XXXXXXXX~~

198

DATE OF DECISION 22-12-1987

1. Smt. Megha Ramnath Goraksha

2. Smt. Kamal Bhagwan Madhav

Petitioners

Mr. Mukund L. Pendse

Advocate for the Petitioners)

Versus

Protector of Emigrants-I & 2 Ors. Respondents

-

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman

The Hon'ble Mr. J.G. Rajadhyaksha, 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?

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(2) 1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

O.A.751/87

1. Smt. Megha Ramnath Goraksha,  
183-Pathare House,  
L.T. Road, Babhai,  
Borivali (West),  
Bombay.
2. Smt. Kamal Bhagwan Madhav,  
A/5, Kanchan Sheetal Society,  
Chheda Nagar, Chembur,  
Bombay - 400 089.

... Applicants

vs.

1. Protector of Emigrants-I,  
'E' Building, Khira Nagar,  
S.V. Road, Santacruz, (West),  
Bombay - 400 054.
2. Under Secretary (Admn.),  
Protector General of Emigrants,  
Ministry of Labour,  
Shram Shakti Bhavan,  
New Delhi.
3. Secretary to the  
Department of Personnel &  
Training,  
Ministry of Home Affairs,  
North Block,  
New Delhi - 110 001.

... Respondents

Coram: Hon'ble Vice-Chairman B.C. Gadgil

Hon'ble Member (A) J.G. Rajadhyaksha

Appearance:

Mr. Mukund L. Pendse,  
Advocate for the  
applicants.

ORAL JUDGMENT

Date: 22-12-1987

(Per B.C. Gadgil, Vice-Chairman)

The applicants were employed with the respondents initially on ad hoc basis. They were permitted to appear for the special qualifying examination held by the Staff Selection Commission for the purpose of regularisation of service. The applicants failed in that examination and hence

their services were terminated. It is this order that is being challenged before us.

2. We have heard Mr. Pendse for the applicants. In our opinion the application deserves to be rejected summarily for the following reasons:

Ordinarily a person is not entitled to get an employment unless he passes the examination held by the Staff Selection Commission. In the present case the applicants were initially appointed on ad hoc basis and hence for regularisation of their services they were permitted to appear for the special qualifying examination conducted by the Staff Selection Commission. They failed in that examination. In this background we do not think that the applicants would have any valid ground against the termination of their services.

The application is, therefore, summarily rejected.

*B. C. Gadgil*

(B.C.GADGIL)  
Vice-Chairman

*[Signature]*  
(J.G. RAJADHYAKSHA)  
Member(A)