

(8)

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 650/88

198

ExxxxNex

DATE OF DECISION 31.3.92A S J Yadav

Petitioner

Mr. Y R Singh

Advocate for the Petitioner(s)

Versus

Divisional Railway Manager

Respondent

Mr. J G Sawant

Advocate for the Respondent(s)

## CORAM :

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

The Hon'ble Mr. M Y Priolkar, 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?

MGIPRRND-12 CAT/86-3-12-86-15,000

V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, "GULESTAN" BUILDING NO.6  
PRESOCOT ROAD, BOMBAY-1

OA NO. 650/88

Anirudh Shriram Jatan Yadav  
C/o. Gulab Yadav  
Sector 1; 132/2/4 Vashi  
New Bombay

..APPLICANT

V/s.

The Divisional Railway Manager  
Central Railway  
Bombay V.T.

..RESPONDENT

CORAM: Hon. Shri Justice U C Srivastava, V.C.  
Hon. Shri M Y Priolkar, Member(A)

APPEARANCE

Mr. Y R Singh  
Advocate  
for the Applicant

Mr. J G Sawant  
Counsel  
for the respondents

ORAL JUDGEMENT:  
(PER: U.C. Srivastava, Vice Chairman)

DATED: 31.3.1992

The applicant was appointed as Assistant Pointsman under the Station Master, Ambiyli with effect from 14.11.1984 against an existing vacancy. It appears that no appointment order was given to him but from the reply filed by the respondents it is obvious that no regular appointment was made and the applicant was appointed as a substitute and his services were terminated, after regular appointment was made, with effect from 15.10.1985.

The contention on behalf of the applicant is that he has been appointed on a regular pay and his services should not have been terminated and in alternate to-day a submission has been made that in case the applicant is not entitled to get back the post then he may be empanneled and considered

(B)

as an empanneled candidate.

The position in this case appears to be that the applicant worked for nine months and after working for over four months he attained temporary status. But in view of the fact that ~~he was not~~ a regularly selected candidate and hence his services had to be terminated, and the services were terminated. But having attained a particular status the applicant's name was to be entered in the Register and the applicant could have been considered for empanelment, which in this case has not been done. Even now the applicant can be considered for empanelment in case he is eligible for the same, and can be given a fresh appointment as and when his turn comes.

With the above observations that the applicant may now be considered for empanelment in case he is eligible within a period of ~~three~~ months from to-day and in case he is empanneled he may be appointed as and when his turn comes meaning thereby in case ~~those~~ who are appointed subsequent to him have already been screened the applicant shall necessarily be screened. No order as to costs.

  
( M Y PRIOLKAR )  
MEMBER (A)

  
( U C SRIVASTAVA )  
VICE CHAIRMAN