

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

XXXXXX

## NEW BOMBAY BENCH

O.A. No. 246 of 1989  
XXXXXX

DATE OF DECISION 7.6.1989

1. Shri R.G. Kaushlay,  
2. Shri Mohd. Sharif Mohd. Nawaz Petitioner  
3. Shri S.A. Hivarale

Shri M.M. Sudame. Advocate for the Petitioner(s)

Versus

Union of India &amp; 2 Ors. Respondent

Shri B.M. Pradhan. Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. M.B. Mujumdar, Member (J)

The Hon'ble Mr. M.Y. Priolkar, Member (A)

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY.

ORIGINAL APPLICATION No.246 OF 1989.

1. Shri Rajanikant Ganesh Kaushlay,  
Casual Driver C/o. Office of the  
Collector General Excise,  
Jalar Gate, Mondha Road,  
Aurangabad - 431 001.

2. Shri Mohd. Sharif Mohd. Nawaz,  
C/o. Shri Subash Chunilal Tetwar,  
Sweet Oil Dealer, Anguri Baug,  
Aurangabad - 431 001.

3. Shri Sudam Asaram Hivarale,  
Behind Pritamkumar Shevgaonkar's  
House, Kranji Nagar, Near Court,  
Aurangabad - 431 001.

... Applicants

V/s.

1. Union of India, through  
The Secretary,  
Central Board of Excise  
and Customs,  
Central Secretariate,  
North Block,  
New Delhi.

2. Collector,  
Central Excise Bombay - I,  
Central Excise Building,  
M.K. Road, Near Churchgate,  
Bombay - 400 020.

3. Collector,  
Central Excise & Customs,  
Jafar Gate, Mondha Road,  
Aurangabad - 431 001.

... Respondents

Coram: Hon'ble Member(J), Shri M.B. Mujumdar  
Hon'ble Member(A), Shri M.Y. Priolkar

Appearance:

1. Shri M.M. Sudame,  
Advocate  
for the applicants.

2. Shri P.M. Pradhan,  
Advocate,  
for the respondents.

ORAL JUDGMENT:

Dated: 7.6.1989.

(Per: Shri M.B. Mujumdar, Member(J))

The applicants were appointed as a Casual Drivers  
in May, June and August of 1986 in the Central Excise and

Customs Collectorate, Aurangabad. As they were not regularised, they have filed this application for regularising their services. To the representations made by the applicant No.1, he was informed that his case for regularisation cannot be considered as his name was not sponsored by Local Employment Exchange. It was not disputed before us that names of the applicants were not sponsored by the Local Employment Exchange at any time.

2. Mr. Sudame relied on the instructions given in the letter dated 15.11.1988 by the Secretary, Central Board of Excise & Customs, New Delhi regarding regularisation of Casual Drivers. As the letter is a confidential one, the applicant could not produce a copy thereof. But Mr. Pradhan, advocate for the respondents read that letter before us. It only says that Casual Drivers should be regularised, if they fulfil all the conditions is that such drivers should be sponsored by the Employment Exchange. As that condition was not fulfilled by any of the applicants, we do not think that the respondents could have regularised them. We may further point out that the services of the applicants are discontinued after this application was filed.

3. In result, we find no merit whatsoever, in this application and hence reject the same summarily under Section 19(3) of the Administrative Tribunals Act, 1985, with no order as to costs.

(M.Y.PRIOLKAR)  
Member(A)

(M.B.MUJUMDAR)  
Member(J)