

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

OA 611/89

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Stamp Application No.468/89,  
" " No.469/89,  
" " No.528/89,  
" " No.529/89,  
" " No.530/89, and  
Original Application No.509/89.

Stamp Application No.468/89:

Shri B.G.Bhaya & Another

... Applicants

v/s.

Union of India & 4 others

... Respondents.

Stamp Application No.469/89:

Shri B.Sakar & Another

... Applicants

v/s.

Union of India & 4 others.

... Respondents.

Stamp Application No.528/89:

Shri B.N.Nathu & 12 others

... Applicants

v/s.

Union of India & 4 others

... Respondents.

Stamp Application No.529/89:

Shri Kantilal Solanki & 2 others

... Applicants

v/s.

Union of India & 4 others

... Respondents.

Stamp Application No.530/89:

Shri Dada Abdulreiman & Another,

... Applicants

v/s.

Union of India & 4 others

... Respondents.

Original Application No.509/89:

Shri H.D.Bariya

... Applicant

v/s.

Union of India & 4 others

... Respondents.

...2.

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Coram: Hon'ble Vice-Chairman, Shri P.S.Shah,  
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:

Mr.G.K.Masand,  
advocate for the  
applicants and  
Mr.R.M.Agarwal,  
advocate for the  
respondents.

ORAL JUDGMENT:

(Per Shri P.S.Shah, Vice-Chairman) Dated: 11.9.1989.


Heard Mr.G.K.Masand for the applicant and  
Mr.R.M.Agarwal for the respondents in Stamp Applications  
No.468/89, 469/89, 528/89, 529/89, 530/89 and Original  
Application No.509/89. The respondents have filed their  
reply in Stamp Application No.529/89, 530/89 and Original  
Application No.509/89. The posts in question are of  
Coxswain Machinist and Sailor. Mr.Agarwal states that the  
reply in Original Application No.509/89 may be treated as  
a reply in the remaining 3 matters as well. It would appear  
that with a view to meet the urgency of starting the ferry  
service and to cater the needs of the people, the applicants  
in these cases were engaged on daily wages from the year  
1982 onwards and they were continued from time to time with  
intermittent gaps. The affidavit filed by the respondents  
shows that the regular posts have not yet been created,  
though recruitment rules have been framed. The respondents  
have also raised the question about the petitioners not  
having the requisite qualifications. Having regard to the  
fact that the posts in question have not been created so far  
the applicants cannot claim that they have a right to the  
posts in question. As we find no merit in these applications  
the same will have to be rejected.

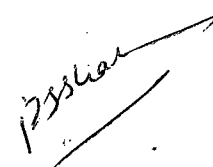
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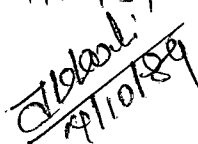
2. Mr. Agarwal on behalf of the respondents, however, states that as and when such services are required, the applicants would be offered such posts on ad hoc basis only till regular posts are created.

3. We hope that in the event of regular posts being created in future the cases of the applicants who have put in services for a number of years and have also gained some expertise in their job will be sympathetically considered for appointment, by relaxing the rules, if permissible. The applications are disposed of accordingly.

  
(M.Y. PRIOLKAR)  
MEMBER (A)

  
(P.S. SHAH)  
VICE-CHAIRMAN

Judgments dt. 11/9/89  
Send to parties  
on 4/10/89.

  
4/10/89