

(5)

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

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.

(h)

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.

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.

→ Judgment dtd. 11/9/89
→ Send to parties
on 4/10/89.

Okordi
4/10/89