(3)

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.C.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.

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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.

Judgment dtd. 4/10/89
Send to parties
on 4/10/89.

Dabral
4/10/89