

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH  
NEW BOMBAY 400 614

OA No.301/89

Shri ANIL MURARI MAMILWAR  
Wanjari-Wada  
Bhaldarpura  
Nagpur

.. Applicant

V/s.

Station Director  
Deordarshan Kendra  
65 Shivajinagar  
Nagpur

.. Respondent

Coram: Hon. Shri Justice U C Srivastava, V.C.  
Hon. Shri P.S. Chaudhuri, Member (A)

APPEARANCES:

Shri P H Gulhane  
Advocate  
for the Applicant

Shri Ramesh Darda  
Counsel  
for the Respondents

ORAL JUDGMENT:

DATED: 9.7.1991

(Per: U.C. Srivastava, Vice Chairman)

The applicant who had registered his name in the local Employment Exchange was appointed as Helper in Door Darshan Kendra, Nagpur on 22.11.1983. With broken periods he continued to work for five years and in one particular year he worked for more than 240 days. His name was struck-off from the rolls of the Employment Exchange in October, 1985 on his getting this employment.

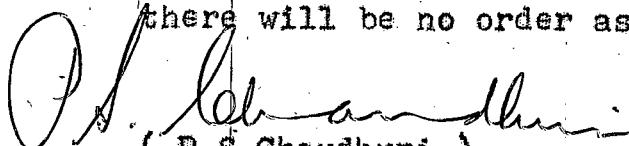
2. Subsequently Door Darshan Kendra started interviewing candidates and two candidates were selected for the post of helper in January 1989, as a result of which the services of the applicant were orally terminated and was asked not to come to the office. The applicant has challenged the termination as being arbitrary and violative of the Constitution. The applicants services were terminated after five years

and the other Helpers are subsequently recruited. It is not the case that there is no job at all or that Door Darshan Kendra is not in need of Helpers at all.

3. The plea of the respondents is that the name of the applicant was not sponsored by the Employment Exchange and hence he could not be appointed during the interviews held in 1989.

4. We are of the view that once his name was sponsored by the Employment Exchange for the post of Helper it is not essential that his name should be sponsored again and again for the post of Helper for continuing/recruitment through interview. There is no specific rule which stipulates that the name has to be sponsored again and again at the time of interview even though the applicant continues in employment with that very employer, ~~but~~ <sup>be</sup> it on casual basis. It appears that because of this wrong approach the respondents have not recruited the applicant and his services were orally terminated. This action of the respondents is arbitrary and violative of the Constitution.

5. Accordingly this application is allowed and the respondents are directed to consider the applicant for the post of Helper and continue him in service in preference to those who might have been appointed either through interview or otherwise subsequent to his appointment in 1983. The action in this regard be taken within a month of the receipt of a copy of this order. In the circumstances there will be no order as to costs.

  
( P S Chaudhuri )  
M(A)

  
( U C Srivastava )  
V.C.