

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

CAMP AT NAGPUR

O.A. NO: 816/89

199

~~ExAxN8x~~

DATE OF DECISION 20.11.1991

Bhimrao L. Lamghare

Petitioner

Mr. V.S. Yawalkar

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. Ramesh Darda

Advocate for the Respondent(s)


CORAM:

The Hon'ble Mr. Justice U.C. Srivastava, V/C

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

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

mbm*


(U.C. Srivastava)
V/C

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY
CAMP AT NAGPUR

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Original Application No.816/89

Shimrao Laxman Lamghare,
C/o. Sawudeo Surwanshi,
'Faras', Chhindwara Road,
Nagpur.

... Applicant

V/s

1. Union of India, through
The Secretary,
Ministry of Defence,
Sena Bhawan, New Delhi.
2. The Air Officer Commanding-
in-Chief, HQ Maintenance Command,
Vayusena Nagar,
Nagpur 440 007.
3. The Commanding Officer,
HQ Maintenance Command (U),
Vayusena Nagar,
Nagpur 440 007.
4. Shri B.S.Mandhe, SS,
HQ Maintenance Command (U),
Nagpur - 7.
5. Shri R.D.Meshram,
Assistant Store Keeper,
C/o.Commanding Officer (U),
Vayusena Nagar,
Nagpur - 7.

... Respondents

CORAM : Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Mr. V.S.Yawalkar, Advocate
for the applicant and
Mr.Ramesh Darda, Counsel
for the respondents.

ORAL JUDGMENT:

Dated : 20.11.1991

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

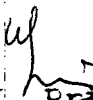
The applicant who is a qualified typist and has passed the Matriculation examination in the year 1963 is working in Class-IV in the department. The applicant who has applied for the post of LDC as well as Assistant Store Keeper four times during his service tenure earlier could not be appointed. Coming to learn again that appointment to the post of Assistant Store Keeper is being


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made the applicant applied for the same and appeared before the Interview Board, The constitution of which he has also challenged. But instead of appointing the applicant it appears that an outsider, Respondent No.5 Shri Meshram, was appointed whose appointment was questioned by the applicant before the departmental authority and thereafter before the Tribunal. In the earlier selection one Ramteke was selected but it appears that there was a ban and that is why he was not appointed. In the mean time Shri R.D.Meshram also requested that he may be considered for appointment as Assistant Store Keeper and accordingly he was interviewed and selected for the post of Assistant Store Keeper in the year 1987 but as there was a ban he was not appointed. In the year 1989 when the interview took place and also there was a special drive for appointing member of SC & ST the said Raju D.Meshram was appointed. The applicant has challenged the said appointment. The respondents have tried to justify the appointment of Meshram stating that earlier one post of Store Keeper was released by the Air Headquarters, New Delhi to be filled through local Employment Exchange and the post was notified ~~and~~ to the locam Employment Exchange. Shri Meshram whose name was sponsored by the local Employment Exchange also appeared before the Inter Board and it appears that he was selected but because there was a ban he was not appointed though he was verbally promised that as and when the ban of recruitment was lifted he will be considered for the same post. ~~The~~ Obviously the appointment of Meshram appears to be some what fishy. When he applied for the post of Store Keeper in the year 1987 he was not appointed because there was a ban and during the ban period he was selected for this

(a)

particular post for which appointment was given in 1989 when the post was formally being appointed. but the applicant was not selected by the Interview Board and one Ramteke was selected. It is not known as to why the said Ramteke was not appointed and why this Meshram was appointed. The facts ^{as} ~~that~~ they are indicate that there is some administrative excesses in the case but now the appointment having been given to Shri Meshram who is working, the ends of justice will not be served in setting aside this appointment on administrative excesses only and accordingly we direct that whenever another such vacancy arises the case of the applicant shall be considered first before any other case shall be considered. With these observations this application is disposed of finally. No order as to costs.


(M.Y. Priolkar)
Member(A)


(U.C. Srivastava)
Vice-Chairman

v/-