

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 550/96

Date of Decision: 13.1.1999

Shri Sunil Shankar Pathare Petitioner/s

Shri Uday Warunjikar Advocate for the
petitioner/s.

v/s.

The Commandant , Respondent/s
Automotive Regiment
Ahmednagar, Maharashtra and others.

Shri R.K. Shetty. Advocate for the
Respondent/s

CORAM:

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S. Bawej, Member (A)

(1) To be referred to the Reporter or not? *W*

(2) Whether it needs to be circulated to *W*
other Benches of the Tribunal?

R.G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, BOMBAY:1

Original Application No. 550/96

Wednesday the 13th day of January 1996

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S.Baweja, Member (A)

Sunil Shankar Pathare
residing at
Lattaki, Barskar
Colony, Ahmednagar.

... Applicant.

By Advocate Shri Uday Warunjikar.

V/s.

The Commandant
Automotive Regiment
A.C. Centre & School
Ahmednagar, Maharashtra.

The Secretary
Defence Ministry
Union of India,
North Block,
New Delhi.

... Respondents.

By Advocate Shri R.K. Shetty.

O R D E R (ORAL)

(Per Shri Justice R.G.Vaidyanatha, Vice Chairman)

This is an application filed under Section 19
of the Administrative Tribunals Act 1985. The
respondents have filed reply. We have heard the
learned counsel for both sides.

2. The applicant claims that he was working
as Labourer in the office of the first respondent
for the period from January 1989 to July 1989. Then
his services came to be terminated orally. He has
produced a certificate issued by an officer to show
that he was working during that period. He has
approached this Tribunal for quashing of the illegal
oral termination order and for a direction for
reinstatement and for consequential benefits!



3. The respondents in their reply have ~~denied~~ ^{affirmed} that the applicant never worked in the office of the first respondent. Hence there is no question of termination of the service of the applicant. They have also pleaded that the application is hopelessly barred by limitation.

4. The applicant claims that he was working for the period from January 1989 to July 1989. He has produced a certificate dated 23.8.1989 issued by one Major, Quartermaster, Automotive Regiment. The respondents have denied this fact.

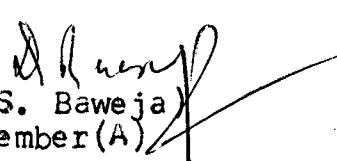
5. The applicant has neither produced his appointment order nor any official documents to show that he has worked in the department. This one certificate is not sufficient to show that the applicant has been appointed in a particular post. Even agreeing for a moment that the applicant had been engaged on casual basis or otherwise from January 1989 to July 1989, it will not give any right to give permanency to the post or to challenge the oral order of termination, that too after a lapse of 7 years. An appointment to a Government Post has to be as per Rules and through Employment Exchange as stated in the reply. This is not the case of the applicant that he was appointed by taking steps through Employment Exchange. Even if we accept that the applicant had worked for few months, it will not give any right to claim permanency or seek reinstatement after a lapse of 7 years.

6. According to the applicant he was told that he should not come to office from August 1989. But the applicant had approached this Tribunal 7 years later in 1996. There is no application for condonation of

delay. In the facts and circumstances of the case, we find that the application is hopelessly barred by limitation. Hence even on this ground the applicant is not entitled to any relief.

7. The applicant is at liberty to make ~~engagement~~ representation to the administration for ~~continuance~~ in the service as per rules. Then the respondents ~~engagement~~ may consider the case of the applicant for ~~continuance~~ on casual basis or for appointment to regular post as per rules.

8. In the result, the application fails and dismissed. There will be no order as to costs.


(D.S. Baweja)

Member (A)


(R.G. Vaidyanatha)
Vice Chairman

NS