

CAMP AT PANAJI

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 1052/2000⁹⁹

Thursday, this the 27th April, 2000.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri D.S.Bawoja, Member (A).

Gajanan Sambari,
C/o. S.G.Bhobe,
201, Nizami Bhavan,
Menczes Braganza Road,
Panaji,
Goa.
(By Advocate Mr.S.G.Bhobe)

... Applicant.

Vs.

1. Union of India, through
the Secretary,
Ministry of Defence,
New Delhi.
 2. Chief of Naval Staff,
Naval Headquarters,
New Delhi.
 3. Flag Officer Commanding-in-Chief,
Headquarters, Southern Naval
Command,
Kochi.
 4. Flag Officer Commanding-in-Chief,
Headquarters, Western Naval
Command, Shahid Bhagat Singh Road,
Mumbai.
- ... Respondents.
(By Advocate Mr.G.R.Sharma)

ORDER (ORAL)

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

This is an application filed by the applicant for
a direction to the respondents for regularising his
services. Respondents have filed an affidavit in reply.
To day, applicant's counsel tenders a Rejoinder, which
is taken on record. We have heard Mr.S.G.Bhobe, learned
counsel for the applicant and Mr.G.R.Sharma, the learned
counsel for the respondents.


...2.




2. After hearing the learned counsels appearing on both sides and going through the materials on record, we find that applicant's case for regularisation shall be considered as and when vacancy arise as pointed out by the Tribunal in the previous order dt.9.4.1997 in OA No.1304/95. Even today, the learned counsel for the respondents fairly stated that as and when vacancy arise applicant's case for regularisation will be considered as per Rules. In view of this submission, there is no necessity to keep the OA pending.

The applicant's contention that a post^{has}/to be created and then applicant's services should be regularised cannot be accepted. At this stage, applicant's counsel submits that on 19.4.2000, the administration has called for willingness of the applicant for a post in Gujarat and the applicant has already given his consent. If that is so, as and when vacancy arise in Gujarat or elsewhere, the respondents to consider the claim of the applicant for regularisation.

3. In the result, the OA is disposed by directing the respondents to regularise the applicant's services as and when vacancy arise, as directed in the previous order of the Tribunal dt. 9.4.1997 in OA No.1304/95. No order as to costs.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE-CHAIRMAN

B.