

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 121 of 1999.

Dated this Tuesday, the 17th day of December, 2002.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).  
Hon'ble Shri S. L. Jain, Member (J).

1. Manohar Shankar Kamble.
2. Maruti Unde.
3. N. B. Narsappa.
4. Abdul Hamid.
5. Suresh Shinde.
6. V. D. Gangawane.
7. Atmaram S. Kamble.
8. Gawtam Randiwe.
9. Sitaram D. Kurmi.
10. D.R. Kamble.
11. R. N. Warkar.
12. M. S. Gaikwad.
13. Tanaji Jagtap.
14. Dheeraj Solanki.
15. Smt. Taraben Chaggan Chavan.
16. Smt. R.K. Waghela.
17. P. N. Mhatre.
18. D. G. Waghela.
19. Siddharth Pol.
20. Gangadhar Panigrahi.
21. Smt. Sonaben L. Waghela.
22. Dayawant S. Kanti.

*S. S. D. N.*

23. K. A. Kumbhar.
24. K. J. Joseph.
25. R. K. Dikka.
26. Dagdu Shengde.
27. J. K. Mhatre.
28. Smt. Kamla N. Solanki.
29. S. A. Mane.
30. A. R. Chavan.
31. N. H. Walmiki.
32. Mahesh B. Surti.
33. M. S. Bagade.

... Applicants.

All the above applicants are working as Casual Worker with temporary status in the Customs Department in Mumbai.  
C/o. Group 'D' Establishment  
Department, New Custom House, Mumbai.

(By Advocate Shri R. Ramamurthy).

## VERSUS

1. Union Of India through  
The Secretary,  
Ministry of Finance,  
Department of Revenue,  
Government of India,  
North Block,  
New Delhi - 110 011.
2. The Commissioner of Customs  
(General), New Custom House,  
Ballard Estate,  
Mumbai - 400 038.
3. The Deputy Commissioner of  
Customs, Personnel &  
Establishment Department,  
New Custom House,  
Ballard Estate,  
Mumbai - 400 038.

... Respondents.

(By Advocate Shri V. D. Vadhavkar for  
Shri M. I. Sethna, Sr. Standing Counsel).

*Sign* -

... 3

O R D E R (ORAL)  
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PER : Shri S. L. Jain, Member (J).

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for the relief of regularisation in Group 'D' cadre of Customs Department in Mumbai in terms of D.O.P.T. O.M. dated 10.09.1993 with consequential relief of retiral benefits, seniority, etc.

2. The Respondents had stated in their Written Statement that the Applicants were considered for the post of Sepoy but they could not be selected for want of fulfilling physical standard test for the said post in the year 1996 and 1998.

3. The Learned Counsel for the Applicants argued on the basis of the scheme dated 10.09.1993 that casual labourers are entitled to be considered in the Group 'D'. When the Bench specifically asked the question to Applicants' counsel that whether the Respondents have filled any post after 1988 in Group 'D' wherein the Applicants were not considered, the Learned Counsel for Applicants stated that the Respondents have not filled up any post.

4. Before the Applicants approaches the Tribunal they must be aggrieved persons in view of Section 19 of the Administrative Tribunals Act, 1985.

5. Learned Counsel for the Applicants vehemently argued that it is not necessary for the Applicants before coming to the Tribunal that they must have a cause of action and if such a view

*S.L.J.*

is taken, it is a hyper-technical view. Arguments of the Learned Counsel for Applicants cannot over-ride the provisions contained in Section 19 of Administrative Tribunals Act.

5. In the result, the O.A. is disposed of with cost of Rs. 1000/- payable by Applicants jointly and severally to the Respondents within one month of receipt of copy of the order.

*S.L. Jain*  
(S.L. JAIN)  
MEMBER (J)

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*B. N. Bahadur*  
(B.N. BAHADUR)  
MEMBER (A).