

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 663/99

Date of Decision : 12.6.2000

H.D.Gaikwad Applicant.

Shri J.M.Tanpure Advocate for the  
Applicant.

VERSUS

Union of India & Others, Respondents.

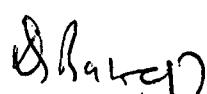
Shri R.R.Shetty for  
Shri R.K.Shetty Advocate for the  
Respondents.

CORAM :

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

The Hon'ble Shri S.L.Jain, Member (J)

- (i) To be referred to the Reporter or not ? \*
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library \*

  
(D.S. BAWEJA)  
MEMBER (A)

mrj\*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.663/99

Monday this the 12th day of June,2000.

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

Hon'ble Shri S.L.Jain, Member (J)

Hemant Dattatraya Gaikwad,  
313, Guruwar Peth,  
Pune - 411 042.

...Applicant

By Advocate Shri J.M.Tanpure

V/S.

1. Union of India through  
The Secretary,  
Ministry of Defence,  
South Block,  
New Delhi.

2. The Commandant,  
Ordnance Depot,  
Talegaon Dabhade,  
Tal. Mawal,  
Dist. Pune.

... Respondents

By Advocate Shri R.R.Shetty  
for Shri R.K.Shetty

O R D E R (ORAL)

{Per : Shri D.S.Baweja, Member (A)}

The applicant on being sponsored by Employment Exchange,  
was interviewed on 20.1.1985 for the post of Store Keeper under  
Respondent No. 2, i.e. The Commandant, Ordnance Depot, Talegaon,

Dist. Pune. He was selected and subsequently advised to report in the Office of the Respondent No. 2 before 15.3.1985 to complete the formalities for filling up the attestation form, etc. This was done by the applicant on 13.3.1985. Subsequently, he was subjected to medical test on 15.5.1985 and the applicant passed this test. However, the applicant was not issued any appointment letter. On making representation on 16.4.1990, the applicant was informed that appointment order could not be issued on account of imposition of ban on the recruitment. Thereafter, the applicant made several representations and also served a legal notice but to all these representations & legal notice, it has been replied that ban is still in force and the case of the applicant will be considered after the ban is lifted. The last reply is dated 31.5.1999 and thereafter the present OA. has been filed on 15.7.1999 impugning this order. The applicant has alleged that inspite of ban, number of candidates have been employed as Store Keeper in 1985 and also Lower Division Clerk (LDC) and Store Keeper thereafter in 1986 and 1990. He has furnished the details of the various appointments made in his representation dated 11.2.1995 brought on the record at Exhibit 'A-7'. The applicant has alleged that two of the candidates namely Shri P.S.Shitole and Shri V.T.Kolekar who were selected along with the applicant have been appointed in 1985 while the applicant has sought the following reliefs :-

- (a) to direct respondents to appoint the applicant as Store Keeper/LDC since 1985 when Shri Shitole and Shri Kolekar were appointed as Store Keeper with grant of seniority from that date.

(b) to direct respondents to pay all the back wages from the dates Shri Shitole and Shri Kolekar were appointed as Store Keeper with interest of 18% p.a.

2. Respondents have filed reply opposing the application on the plea that it is barred by limitation as the cause of action refers to 1985 and the present application has been filed after 14 years. On merits, the respondents submit that Shri Shitole and Shri Kolekar were appointed as Store Keeper in 1985 as the formalities in their case had been completed before the ban was imposed in 1985. However, by the time the applicant completed his formalities, the ban had been imposed which is still continuing. The case of the applicant can be considered only after the ban is lifted as per the extant rules.

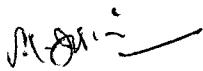
3. The applicant has filed a rejoinder reply controverting the submissions of the respondents.

4. Heard Shri J.M.Tanpure, learned counsel for the applicant and Shri R.R.Shetty for Shri R.K.Shetty, learned counsel for the respondents.

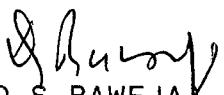
5. During the hearing, the learned counsel for the applicant submitted that he does not press for the reliefs as prayed for in the OA. He will be satisfied if the direction could be issued to the respondents to consider the case of the applicant for appointment as soon as the ban is lifted. The learned counsel

for the respondents in reference to this submission stated that the Administration will abide by the position as conveyed to the applicant vide order dated 31.5.1999. He also stated that the ban is still in operation. In view of this statement of the counsel for the respondents, we are not going into the issue of discrimination alleged by the applicant and the plea raised by the respondents that the application is barred by limitation. The OA. can be disposed of by giving a direction to the respondents to consider the applicant for appointment after the ban is lifted.

6. In the result of the above, the OA. is disposed of with a direction to the respondents to consider the case of the applicant for appointment as Store Keeper as per the extant rules when the ban is lifted up in reference to their letter dated 31.5.1999. No order as to costs.

  
(S.L.JAIN)

MEMBER (J)

  
(D.S.BAWEJA)

MEMBER (A)

mrj.