

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 259 OF 2001

FRIDAY, THE 4TH DAY OF MAY 2001

SHRI JUSTICE ASHOK AGARWAL.
SMT. SHANTA SHASTRY.

... CHAIRMAN
... MEMBER (A)

Vijayakumar Bhagwanbhai Raut,
Magelwad,
Moti Daman.
DAMAN. Pin Code - 396 210

... Applicant

By Advocate Shri I.J. Naik.

Vs.

1. Union of India, through
The Secretary,
Ministry of Home Affairs,
Central Secretariat,
North Block, New Delhi.
 2. The Administrator,
Union Territory of Daman & Diu,
Administrator's Secretariat,
Moti Daman, Pin-396 220.
 3. The Collector and Secretary (Edu)
Union Territory of Daman and Diu,
Collectorate, P.O. Moti Daman.
Pin Code-396 220.
 4. The Director of Education,
Administration of Daman & Diu,
P.O. Nani Daman.
- ... Respondents

By Advocate Shri R.K. Shetty

O R D E R (ORAL)

Shri Justice Ashok Agarwal.

... Chairman

The applicant was appointed as a drawing teacher in the union territory of Daman & Diu with effect from 29 November, 1994. His appointment was on daily wages basis for a period of 89 days. His appointment was continued

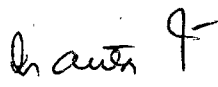
for 89 days each time after giving him artificial breaks. He has come up with ^{a claim} ~~this OA~~ that since she is holding a regular post, his services are required to be regularised. The respondents, it is pointed out, has now issued a public advertisement inviting applications for the said post. Requirement ~~of~~ holding the said post is, possessing of 3 years diploma course in drawing. The applicant has not been invited to apply as she does not possess the aforesaid qualification of 3 years diploma course. He holds only 2 years diploma course. According to the applicant, though the recruitment rules stipulated the aforesaid requirement of possessing the 3 years diploma course, the same has been given ^{go-by} ~~away~~ and various appointments have been made from time to time in favour of candidates holding 2 years diploma course. The respondents, in the circumstances are not right in insisting upon 3 years diploma course. The applicant, in the circumstances is, entitled for regular appointment on the basis of aforesaid advertisement. This ~~is~~, in short, is the claim made by the applicant in the present OA.

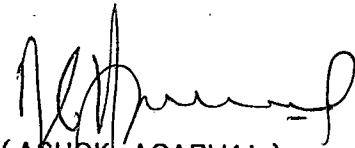
2. We have heard the learned counsel for the contending parties and we find that no fault can be attributed to the respondents for insisting upon the 3 years diploma course which is a requirement in the recruitment rules. Merely because in the past, the aforesaid requirement was not insisted upon, the aforesaid deficiency cannot be ^{directed to be} ~~perpetuated~~, which ~~would be~~ in the

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teeth of recruitment rules. Appointments earlier made in favour of candidates possessing 2 years diploma course were on daily wages basis. The advertisement now issued is for regular appointment. The applicant, in the circumstances is not entitled as of right either for regularisation on the basis of her service as also for fresh regular appointment.

3. The present OA, in the circumstances, is devoid of merits and the same is hereby dismissed with no order as to costs.


(SHANTA SHASTRY)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

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