

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 9TH DAY OF MARCH, 1987.

Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
Present:  
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 1366/86

Shri Thomby Jacob,  
25 years, S/o K.G. Jacob,  
Chief Engineer Grade II,  
Mangalore Base of Fishery,  
Survey of India, Mangalore.

.... Applicant

(Shri K.S. Desai, Advocate)

v.

1. The Director,  
Fishery Survey of India,  
Botwala Chambers,  
Sir P.M. Road, Bombay-1.

2. Deputy Director,  
Mangalore Base of Fishery,  
Survey of India,  
Mangalore.

.... Respondents

(Shri D.V. Shylendra Kumar, Advocate)

This application having come up for hearing to-day  
Justice Shri K.S. Puttaswamy, Vice-Chairman, made the  
following.


O R D E R

Case called.

2. Applicant and his learned counsel are absent.
3. On 13.8.86, Shri K.S. Desai, learned counsel  
for the applicant that had represented him before

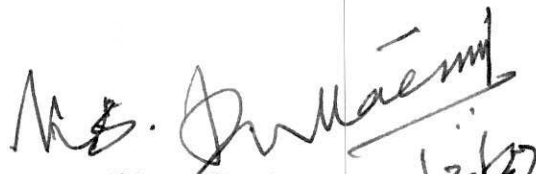
the High Court and had been notified of that hearing date on transfer, was present. On that day, Sri Desai filed a memo stating that he was unable to contact his client. But thereafter, the applicant and his learned counsel have always been absent. We have examined the orders made by this Tribunal on 13.8.86, 5.1.87 and 12.2.87 and the necessity or otherwise of effecting service of notice on the applicant. We are of the view that it is almost impossible for the respondents to trace the correct address of the applicant and effect service of notice on him as earlier directed. In these circumstances we dispense with the directions made by this Tribunal on 12.2.87 to the respondents. We have perused the papers and heard Shri D.V. Shailendra Kumar, learned counsel for the respondents.


3. In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act of 1985 (Act), the applicant who had been appointed as Chief Engineer (Grade II) (CE) on an ad+hoc basis for a period of 3 months in the first instance and continued thereafter from time to time, had challenged his later termination by the respondents. In their statement of objections, the respondents have asserted that the services of the applicant who had been appointed on an ad+hoc basis, had



terminated to make room for a regularly recruited candidate. We have no reason to disbelieve the correctness of this statement of the respondents. If that is so, then the applicant, who had no right to hold the post, and whose appointment was purely ad-hoc, cannot complain of his termination which is otherwise legal and valid. We see no merit in the challenges made by the applicant or any of the reliefs sought by him.

4. In the light of our above discussion, we hold that this application is liable to be dismissed. We therefore dismiss this application. But in the circumstances of the case, we direct the parties to bear the costs.

  
Vice-Chairman 9/3/27

  
Member (A) 9.3.27

sr/Mrv.