

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 682/90

Transfer Application No:

DATE OF DECISION: 7.12.94

Gajanan Surjerao Chavan and Petitioner

others.

Shri D.V.Gangal Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri R.K. Shetty Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri M.R. Kolhatkar, Member (A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?

B.S. Hegde
(B.S. Hegde)
Member (J)

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 682/90

Gajanan Surjerao Chavan

Anil Machchindra Kamble

Mohamed S hafi Nabi Saheb Mulla

... Applicants.

V/s.

Union of India through
The Collector, Central
Excise, Pune.

The Assistant Collector,
Central Excise,
Sangli

... Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri M.R. Kolhatkar, Member (A)

Appearance:

Shri D.V. Gangal, counsel
for the applicant.

Shri R.K. S hetty, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 7.12.94.

¶ Per Shri B.S. Hegde, Member (J) ¶

The Tribunal had directed vide its order dated 2.4.91, considering the facts and circumstances of the case, the respondents "to keep three vacancies unfilled. In view of this position, we vacate the order dated 27.9.90. The respondents are directed to keep three posts vacant till further orders."

2. The learned counsel for the applicant draws our attention to various orders passed by the respondents, appointing and terminating their services and re-appointing from time to time. Applicant No.1 was initially appointed on 25.11.85 as part time Sweeper on daily wages and the services were terminated on 29.8.89. Again he was re-appointed on 30.8.89

(16)

and thereafter continued till 29.9.89 and again he was re-appointed on 3.12.89, and terminated on 31.1.90 and again re-appointed on 10.4.90. On perusal of Exhibit R-6, it is seen that applicant No.1 has passed VIII standard and his date of birth is 22.1.58. The qualification prescribed for the post of Sepoy is middle standard, which is equivalent to VIII standard. Age prescribed for the post is 18-25 years, physical standard, physical test of cycling and walking etc. It is also stated that their fathers were Sepoys in the same department. Applicant No.1 was appointed on compassionate and humanitarian grounds. Similarly applicant No.2 and 3 were appointed on 1.7.86 and 4.3.87 respectively after fulfilling the requisite qualification. The learned counsel for the respondents submits, that the services already rendered by the applicants will be counted for continuity in the service. Since the applicants have put in many years of service in the same department earlier, it is but natural, and it is the duty of the respondents to give appointment to the applicants as they deem fit, in the facts and circumstances of the case.

2. In the result, since the respondents had already kept three posts vacant, these three applicants should be considered for the said posts. Therefore, we direct the respondents to consider the case of these three applicants for the post of Sepoy by relaxing the age and requirement of recruitment through employment exchange and complete the process within a period of two months from the date of receipt of this order. Accordingly O.A. is disposed of.

M.R.Kolhatkar

(M.R. Kolhatkar)
Member (A)

B.S.Hegde

(B.S. Hegde)
Member (J)