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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 190/91

Transfer Application No:

DATE OF DECISION 25.2.93

Mohamad Ghose Petitioner

Advocate for the Petitioners

Versus

Union of India & 3 ors. Respondent

Mr. R.K. Shetty

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice S.K. Dhaon, Vice Chairman

The Hon'ble Shri Ms. Usha Savara, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No.

25.2.93

M(A)

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IN THE CENTRAL ADMINISTRATIVE TIRBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PREScot ROAD, BOMBAY 1

O.A.NO. 190/91

SHRI MOHAMAD GHOSE
C/o. Ahmed Hussain Panhalkar
House No.850, Shitolenagar
Sanghvi; Pune 27

Applicant

v/s

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

2. E.W.C.'s Branch
Army Head Quarters
DHQ PO New Delhi

3. The Commandant
Head Quarters
Southern Command
Pune 1

4. The Commandant
College of Military Engineering
Dapodi
Pune 12

Respondents

Coram : Hon. Shri Justice S.K. Dhaon, Vice Chairman
Hon. Ms. Usha Savara, Member (A)

APPEARANCE:

Applicant
present in person

Mr. R K Shetty
Counsel
for the respondents

ORAL JUDGMENT:
(Per: Ms. Usha Savara, Member[A])

DATED: 25.2.93

This application has been filed with the prayer that the applicant may be reinstated in service from 30.11.1988 and the respondents be directed to make him permanent inservice with retrospective effect. It is also prayed that the respondents be directed to give increments and all other incidental benefits which he would have received had he been confirmed earlier and had he been in service.

2. A reply has been filed on behalf of the respondents. The applicant was working on a casual basis as a Painter with the respondents since 1979. Admittedly, he was engaged intermittently as and when the need arose. His service was orally terminated on 30.11.1988 by respondent no.4 ie., the Commandant, College of Military Engineering, Dapodi, Pune. Despite all his representations he was not given a chance to serve the respondents. Some time in the year 1990 he made a representation to the then Prime Minister for being reinstated and the representation was forwarded by the PM's Office to the Engineer-in-Chief (EIC), New Delhi for further action. On behalf of the respondents it is stated that the applicant was considered for appointment as Laskar against a regular vacancy. It is submitted that due to the fact that he had crossed the age limit for recruitment, he could not be given the appointment. However, it is further stated that on humanitarian grounds the respondents are trying to obtain age relaxation from the Army Head Quarters.

3. We feel that this is a case of extreme hardship. The applicant had been employed as a casual worker by the respondents from the year 1979 and he was terminated orally without any specific reason and without giving him a show cause notice. He was not even given any payment in lieu of notice by the respondents. In the circumstances, we feel that the case of the applicant is fit for granting him an appointment on a regular basis as Laskar. The applicant states that he would be satisfied if a direction is given to the respondents to appoint him. W

4. The respondents are directed to appoint the applicant as Laskar within a period of one month from to day by relaxing the upper age limit in his case as a special case.

5. In the circumstances there will be no order as to costs.

U. Savarkar
(Usha Savarkar)
Member(A)

S.K.Dhaon
(S.K.Dhaon)
Vice Chairman