

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1185/92
Transfer Application No.

Date of Decision : 4.4.1995

Shri Sunil D. Shelar

Petitioner

Shri O. R. Ramamurthy

Advocate for the
Petitioners

Versus

Union of India & Ors.

Respondents

Shri J.G. Sawant

Advocate for the
respondents

C O R A M :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?


(P.P. SRIVASTAVA)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

(7)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

CA.NO. 1185/92

Shri Sunil Dondiram Shelar

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri R.Ramamurthy
Advocate
for the Applicant

Shri J.G.Sawant
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 4.4.1995

(PER: M.S.Deshpande, Vice Chairman)

The relief which is being sought by the present application is quashing of the order dated 24.9.1991 as well as the order communicated under reply dated 18.12.1991 and the applicant's reinstatement in service as a Motor Vehicle Driver and other benefits.

2. The applicant was appointed as a Trainee Motor Vehicle Driver subject to passing the Trade Test after training. As he was qualified in the written test, he was placed on the panel for the post of Motor Vehicle Driver. He reported for duty ^{in response} with regard to office letter dated 7.11.1989. The training was completed on 6.5.1990. He was called for Trade Test on 26.9.1990. He was declared as failed. He was also declared failed at the second chance on 3.9.1991 and he was, therefore, given a notice of termination of service.



3. The submission on behalf of the applicant was that the applicant had not been paid any amount as retrenchment compensation and that he had not been given any notice. The respondents have stated in Para 3 of the reply that the applicant was paid Rs.3283/- towards Retrenchment Compensation and Wages in lieu of notice dated 26.9.1991. No rejoinder was filed. Even the applicant has very vaguely stated that he ~~had~~ ^{was} offered some amount and he has not clarified what was the amount which was offered to him. It is very vaguely stated in Para 5 (d) of the application that some amount appears to have been paid subsequent to the letter of termination.

4. The learned counsel for the respondents at the instance of the applicant produced the result of the Trade Test. On 26.9.1990 the applicant did not have a heavy duty Motor Vehicle licence and he could not therefore be trade tested for it. He had a Motor Driving Licence and he secured 12 marks out of 60 marks in the viva-voce test. In the trade test held on 3.9.1991 the applicant was tested for Heavy Vehicle driving and secured only 31 marks out of 100 marks and was declared failed on both the occasions. Since the applicant was not qualified in the two chances that were given, there were sufficient reasons for the respondents to terminate the applicant and since there was an averment that retrenchment compensation was paid, we do not see any vice in the order. There is no merit in the application, it is dismissed.



(P.P. SRIVASTAVA)
MEMBER (A)



(M.S. DESHPANDE)
VICE CHAIRMAN