

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 126/92
Transfer Application No.

Date of Decision : 6.4.1995

Dr.M.R.Prabhakar

Petitioner

Shri S.R.Atre with Shri B.N.Singhvi.

Advocate for the
Petitioners

Versus

The Administrator of U.T. of Daman & Diu & Anr.

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?

(M.S.DESHPANDE)
VICE-CHAIRMAN

(7)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY.

Original Application No.126/92.

Dr.M.R.Prabhakar.

... Applicant.

V/s.

The Administrator of Union
Territory of Daman & Diu
and Another.

... Respondents.

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

Appearances:-

Applicant by Shri S.R.Atre
with Shri B.N.Singhvi.
Respondents by Shri J.G.Sawant.

Oral Judgment:-

¶Per Shri M.S.Deshpande, Vice-Chairman¶ dt. 6.4.1995.

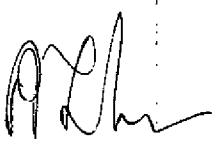
By this application the applicant seeks regularisation as Medical Officer and seniority on the basis of his past services effective from March, 1977 and all consequential promotions.

2. The applicant was appointed on ad hoc basis on 3.1.1977 to the post of Medical Officer and he continued in that capacity until there was a delinking of the Union Territory of Daman and Diu upon the Territory of Goa attaining State-hood on 30.5.1987. The applicant came to be allotted to the Territory of Daman and Diu. He was promoted on 10.7.1990 on ad hoc basis. The applicant made representations on 20.2.1990 and 9.5.1990 seeking regularisation. On 17.4.1986 seniority list of the Medical Officers were prepared, but the applicant's name did not figure either in that list or in the later list which was prepared on 30.4.1991. Since the applicant's representation remained un-answered he has approached the Tribunal by the present application.

3. The respondents contention is that the recruitment to the post of Medical Officer which is a Gazetted post has to be filled by direct recruitment method by the U.P.S.C. and the U.P.S.C. had advertised the post in 1977, 1978 and 1983. The applicant applied to the U.P.S.C. on all those three occasions, but failed to get selected. He continued in the ad hoc appointment by taking a compassionate view and the need of the administration to man the Medical services.

4. We were taken through the relevant recruitment rules which support the stand taken by the Respondents. The applicant has not alleged that he was appointed by the process indicated by the rules. He was appointed only by Local Selection Committee which would not be the method for making direct Recruitment as per rules. The applicant having been continued on ad hoc basis and also promoted on ad hoc basis without reference to the Rules will not be entitled to the reliefs which he has claimed.

5. We, therefore, see no merit in the application, it is dismissed. There will be no order as to costs.


(P.P.SRIVASTAVA)
MEMBER (A)


(M.S.DESHPANDE)
VICE-CHAIRMAN

B.