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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 196/92

Transfer Application No:

DATE OF DECISION: 14.2.1995

Shri A.L.Chawda

Petitioner

Shri D.V.Gangal

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri P.M.Pradhan

Advocate for the Respondent(s)

CORAM :

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

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 ?

M.R.Kolhatkar

(M.R.KOLHATKAR)

MEMBER (A)

M.S.Deshpande

(M.S.DESHPANDE)

VICE CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 196/92

Shri Arjun Laggarbhai Chawda ... Applicant
V/S.

Union of India & Ors. ... Respondents

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

Appearance

Shri D.V.Gangal
Advocate
for the Applicant

Shri P.M.Pradhan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 14.2.1995

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

By this application the applicant seeks a declaration that his termination by the Notice dated 5.12.1989 was illegal and that he is entitled to be regularised in his services.

2. The applicant's contention was that he was appointed as Daily Rated Mazdoor on 30.8.1986 and his services came to be terminated in pursuance of the Notice dated 5.12.1989. Our attention was drawn to the guidelines at Annexure-'B' which came to be extended by the guidelines dated 7.6.1988. The respondents' contention is that the applicant's services could not be regularised because the applicant came to be appointed in view of the exception provided by Section-3 of the Employment Exchange Office (Compulsory Notifying Vacancies) Act, 1959 and he was taken into

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service specifically on his undertaking that his services will be liable to be terminated at any point of time.

3. It is not necessary for us to enter for the purpose of decision in this case upon a discussion on the rights of the applicant because Shri Pradhan, learned counsel for the respondents very fairly stated that the respondents will be willing to give an appointment to the applicant subject to the availability of a vacancy within a period of three months from the date of communication of this order and Shri Gangal for the applicant states that the applicant would be willing if an offer is made to serve the respondents in a regular appointment in Group 'D' post wherever the vacancy occurs. We, therefore, direct the respondents to consider the applicant in the above terms subject to the applicant's undertaking as stated above within a period of three months from the communication of this order. The OA. is disposed of with this direction.

M.R.Kolhatkar

(M.R.KOLHATKAR)

MEMBER (A)

M.S.Deshpande

(M.S.DESHPANDE)

VICE CHAIRMAN

mrj.