

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO.1190/93.

Date of Decision: 2/12/97

Shri Bhagwan Masurkar & 18 Ors. Petitioners.

None

Advocate for the Petitioner/s

V/s.

Union of India & 9 Ors.

Respondents

Shri V.S.Masurkar

Advocate for the
Respondent/s

CORAM:

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

Hon'ble Shri M.R.Kolhatkarm Member (A).

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

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

abp.

M.R.Kolhatkar
(M. R. KOLHATKAR)
MEMBER (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, GULE STAN BUILDING NO.6.,
PRESCOT ROAD, MUMBAI-1.

ORIGINAL APPLICATION NO.1190/93.

DATED THIS 19th DAY OF DECEMBER, 97.

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

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

1. Shri Bhagwan Masurkar
2. Shri Ashok Manchekar
3. Shri Yogesh Kulkarni
4. Shri Mahesh Dalvi
5. Shri Suresh Bandbe
6. Shri Umesh Sarang
7. Shri Tukaram Sawant.
8. Shri Krishna Nadiu
9. Shri Ilahi Tamboli
10. Shri Santosh Shelar
11. Shri Ajit Pawar
12. Shri Nilesh Kudav
13. Shri Vishnu Revdekar
14. Shri Santosh Parab
15. Shri Babar Kerur
16. Shri Dushyant Bondale
17. Shri Sunil Lad
18. Shri Vilas Parab
19. Shri Premnath Mestry.

All C/o. Bhagwan Masurkar, Petitioner No.1,
Worli Police Camp, D-Building,
Room No.33, Sir Phochkhannawala Road,
Worli, Mumbai - 400 025.

... Applicants.

v/s.

1. Union of India (Writ to be served to the Chief Passport Officer, Government of India, Ministry of External Affairs, Patiala House, Tilak Marg, New Delhi - 110 001.)
2. Regional Passport Officer, Government of India, Ministry of External Affairs, Manish Commercial Centre, 216-A, Dr. Annie Besant Road, Worli, Mumbai - 400 025.
3. The Chief Passport Officer, Government of India, Ministry of External Affairs, Patiala House, Tilak Marg, New Delhi - 110 001.
4. Shri Narayan Mandavkar
5. Shri Umesh Surve
6. Shri Anand Nizampurkar

7. Shri Umesh Waiker
8. Shri Ganesh Mogaveere
9. Shri Pralhad Pednekar
10. Shri Santosh Sawant.

C/o. Regional Passport Officer,
Government of India, Ministry of
External Affairs, Manish Commercial Centre,
216-A, Annie Besant Road, Worli,
Mumbai - 400 025.

... Respondents.

By Shri V.S. Masurkar.

O R D E R

[Per Shri M. R. Kolhatkar, Member (A)]

In this OA the applicants 19 in number has sought the
relief of being made permanent in the office of respondent
No.2. There was an earlier OA-304/93 (Shashikant Ghadi &
19 Ors v/s. Union of India & two others) dated 11/6/93 in
which the relief was granted in following terms.

(1) "We direct the respondents to consider the
case of the applicants for regularisation in
appropriate posts in Group 'D' Category and in
accordance with the administrative instructions
issued by the Department of Personnel and Training.

(2) We also direct that a seniority list of the
Category of Group 'D' workers in which the
applicants are working shall be prepared within
three months.

(3) The services of the applicants No.1 to 3 shall not
be terminated until such a seniority list is
prepared and unless they are found to be junior
to the persons ~~already~~ working."

2. The main contention of the applicants is that the
seniority list is not properly prepared because respondent
Nos. 4 to 10 are not even SSC and they had not joined the
department through the Employment Exchange or through the
Social Welfare Officer and still they have been treated
as senior to the applicants.

3. The respondents have filed reply in which it is stated that the applicants were appointed as Casual Workers (on daily rated basis) when the workload of office increased. In terms of Tribunal's order dated 11/6/93, the respondents have already prepared a seniority list of the Group 'D' workers on 2/7/93. Action was strictly taken in terms of directions of the Tribunal. The action in relation to Private respondent Nos. 4 to 10 was not in violation of Tribunals order.

4. In this case, the applicants and their counsel have not been regular in attendance. They were absent on 12/11/93 and the case was dismissed ~~in~~ default on 10/12/93 but was restored on the same afternoon at the request of Counsel for applicant who appeared later. The applicants and his Counsel ~~were~~ absent on 7/2/94, when however the case was admitted. The matter was taken out of Sine die list on 23/4/96 and thereafter was adjourned from time to time. The Counsel for applicant was present on 10/6/97 and 23/9/97 but was absent on 16/12/97 when the case was finally heard. Since the Counsel for applicant had knownn the date and still preferred to remain absent, we proceeded in the matter ex-parte. We have perused the pleadings and heard the Counsel for respondents. The Seniority list filed by the Counsel for respondents is taken on record. It appears to us that the applicant is challenging the mode of preparation of seniority list but how the seniority list is to be prepared was stated in the Tribunals order dated 11/6/93 and the contention that the private respondents had not come through the Employment Exchange or through Social Welfare Officer is a contention which relates to the modality of preparation of the seniority list. In effect, the OA amounts to seeking a review of the earlier order. There is no material showing the eligibility of the applicants to be regularised and made permanent.

5. We are therefore of the view that the OA has no merit and the same is therefore dismissed with no orders as to costs.

M.R.Kolhatkar

(M.R. KOLHATKAR)
MEMBER (A)

B.S.Hegde

(B. S. HEGDE)
MEMBER (J)

abp.