

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:1334/94

DATE OF DECISION: 29.1.2002

Shri Hardas Sakar Chauhan Applicant.

Shsri S.R. Atre Advocate for
Applicant.

Verses

Union of India and others Respondents.

Shri R.K. Shetty Advocate for
Respondents

CORAM

Hon'ble Shri B.N. Bahadur, Member (A)

Hon'ble Shri S.L.Jain, Member(J)

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

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

(3) Library.


(B.N. Bahadur),
Member (A)

No

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO:1334/94

TUESDAY the 29th day of JANUARY 2002

CORAM: Hon'ble Shri B.N. Bahadur, Member (A)

Hon'ble Shri S.L. Jain, Member (J)

Hardas Sakar Chauhan.
residing at Sara Nagar
Ghoghla, Diu

...Applicant.

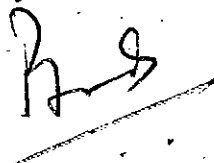
By Advocate Shri S.R. Atre.

V/s

1. The Union of India through
The Administrator,
Union Territory of Daman & Diu
Secretariat, Fort Area,
Moti Daman, Daman.
2. The Development Commissioner and
the Chief Secretary, the
Administration of Union Territory
of Daman & Diu, Secretariat,
Moti Daman, Daman.
3. The Collector
Collector of Diu, Diu.
4. The Assistant Secretary (Development)
Administration of Daman & Diu
Dept. of Personnel & Administrative
Reforms, Secretariat, Daman.
5. Shri Bashir Ibrahim,
Sailor, Office of the
Marine Secretary, Diu.
6. Shri Baria Champaklal Bhaya,
Sailor (Daily Wages)
Office of the Marine
Secretary, Diu.
7. Shri Sanjay Bhaya,
Sailor (Daily Wages)
Office of the Marine
Secretary, Diu.

...Respondents.

By Advocate Shri R.K. Shetty.



ORDER (ORAL)

{Per B.N. Bahadur, Member (A)}

We have heard Shri S.R. Atre, counsel for the applicant and Shri R.K. Shetty counsel for the Respondents.

2. The applicant is before the Tribunal with a prayer that respondents be directed to appoint the applicant to the post of Sailor in the office of the Marine Secretary at Diu. He also seeks a declaration that appointment of Respondent No. 5 and 6 to the post of Sailor is bad in law.

3. When the matter is taken up, the learned counsel for the applicant stated that on the last occasion the respondents were asked to provide information to the Tribunal as to whether any other persons have been appointed in the post of Sailor since 1994.

4. We have perused the record of Roznama etc. While admitting the OA on 10.2.1995 the Tribunal had recorded inter-alia as follows:

"We have heard the Learned counsel on the question of adhoc appointment and the Learned counsel for the Respondents has not been able to satisfy us when we put questions to him regarding whether offer of adhoc appointment has been made to the applicant, in terms of the judgement of the Tribunal dated 11.9.1989.

We, therefore, direct the Respondent Nos 1 to 4, should an adhoc appointment be made hereafter, that post shall be offered to the applicant in terms of Tribunal's order and only thereafter should an adhoc appointment be granted to someone else. As far as appointments which have already been made, we do not think those appointments should be disturbed at this stage. With regard to Respondent No.7, Shri Shetty states that Respondent No.7 has not been so far appointed.

Reply already filed by Respondent Nos 1 to 4.

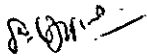
The case be listed before the Registrar for completion of pleadings on 25.4.1995 and then be placed in Sine-die list. Copy of the order to be furnished to the applicant and Respondent Nos 1 to 4."


B.S.

5. It is also an admitted fact that after this the respondents have conducted a DPC, the papers of which have been produced today by the learned counsel for the Respondents Shri Shetty. Shri Shetty states that no one has been appointed to the post of Sailor since 1994. The reason for this is that a bridge has come up now in the area and the post of Sailor is no longer required.

6. Despite the remarks made in roznama dated 10.2.1995 we have examined the claim against Respondent No.5 and 6 namely Bashir Ibrahim and Champaklal Bhaya. As regards Shri Champaklal Bhaya, it is admitted that he has not been appointed. The argument taken by the applicant against the former namely Bashir Ibrahim is that he was appointed on compassionate ground. However it is seen that he has been appointed on consideration by the DPC as is evident from Exhibit R1 which are minutes of DPC held on 6.7.1994. In view of this argument claim against Ibrahim also fails.

7. The OA is therefore clearly devoid of merit and dismissed with no order as to costs.


(S.L.Jain)
Member(J)


(B.N.Bahadur)
Member(A)

NS