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(dy)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

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Original Application No: 1113/94

Transfer Application No:

DATE OF DECISION: 30.1.1995

Shri V.D.Umbarkar Petitioner

Shri A.I.Bhatkar Advocate for the Petitioner

Versus

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Union of India & Ors. Respondent

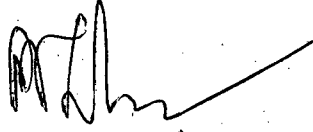
Shri V.S.Masurkar Advocate for the Respondent(s)


CORAM :

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

DA.NO. 1113/94

Shri Vilas Dhanaji Umbarkar ... 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 A.I.Bhatkar  
Advocate  
for the Applicant

Shri V.S.Masurkar  
Advocate  
for the Respondents

ORAL JUDGEMENT

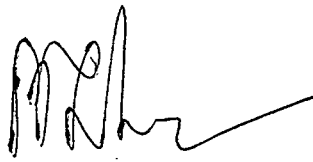
Dated: 30.1.1995

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

We have heard the learned counsel. The applicant was appointed by the order dated 6.4.1990 as Hindi Translator purely on temporary basis and the appointment could be terminated without notice. His appointment came to be terminated by the letter dated 28.7.1994. The respondents' contention is that these appointments are governed by the Recruitment Rules known as Ministry of Tourism, (Dept. of Tourism) Tourist Offices of Govt. of India the Junior Hindi Translator Recruitment Rules 1990. These posts had to be filled by direct recruitment only through the Staff Selection Commission. Two persons were selected by the said Commission but they did not join. From the written statement it is clear that the applicant himself was aware of precarious nature of his appointment and therefore from time to time he was applying for different posts.

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He also competed before the Staff Selection Commission and failed. Now the appointments are sought to be made by the persons duly selected by the Staff Selection Commission. The contention on behalf of the applicant was that the original appointment of the applicant was also in accordance with the rules because his name was sponsored upon requisition by the Employment Exchange and the applicant had undergone written examination. Such a test possibly was thought necessary also for making the temporary appointment as Hindi Translator but it cannot be substituted for a regular appointment in accordance with the rules. The applicant could not have had a right to the post after duly selected candidates were available and since it is how the posts are to be filled. We see no merit in the present application. It is dismissed. We only say that the applicant should be continued until the posts are filled by the regularly selected candidates through Staff Selection Commission, Subject to this the application is dismissed.



(P.P.SRIVASTAVA)

MEMBER (A)



(M.S.DESHPANDE)

VICE CHAIRMAN

mrj.