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(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 108/95, 464/95, 466/95, 467/95 abd 507/95.
Transfer Application No.

Date of Decision : 12.6.95

Ms. Geeta B. Musurkar
P.K. Verma

Petitioner

Smt. T.D. Taldeokar
S.K. Pandey
P. Singh

Advocate for the
Petitioners

Shri M.S. Ramamurthy

Versus

Union of India and others.

Respondents

Shri P.M. Pradhan

Advocate for the
respondents


C O R A M :

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? *no*


(M.S. Deshpande)
Vice Chairman

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 108/95

Ms. Geeta B. Masurkar

... Applicant.

Original Application No. 464/95

P.K. Verma

... Applicant.

Original Application No. 466/95

Smt. T.D. Taldeokar

... Applicant.

Original Application No. 467/95

S.K. Pandey

... Applicant.

Original Application No. 507/95

P. Singh

... Applicant.

V/s.

Union of India through the
Secretary, Ministry of
Surface Transport,
Transport Bhavan,
1, Parliament Street,
New Delhi.

Director General of
Shipping
Jahaz Bhavan,
Walchand Hirachand
Marg, Bombay.

The Director
Marine Engineering
Training, Directorate
of Marine Engineering
Training, P 19,
Taratola Road,
Calcutta.

Deputy Director
Directorate of Marine
Engineering Training
Hay Bunder Road,
Bombay.

... Respondents.

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

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

Appearance:

Shri M.S. Ramamurthy, counsel
for the applicant.

Shri P.M. Pradhan, counsel
for the respondents.

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ORAL JUDGEMENT

Dated: 12.6.95

{ Per Shri M.S. Deshpande, Vice Chairman }

We have heard the learned counsel for the parties for a long time for interim relief. We find that this petition can finally be disposed of by giving a direction to the respondents.

The post of Hindi Typist^s were created as statutory requirement under the provisions of Official Languages Act. This post was created for a period of 2 years temporarily and appointments of the present applicants were made to those posts, with effect from 26.7.93. They were continued in the post by an interim relief ^{granted} ~~passed~~ by this Tribunal in the meanwhile and the matter is before us for considering interim relief. It is clear that the posts in respect of which protection was granted are no longer existing. Shri Ramamurthy states that the power of the appointing authority, D.G. Shipping, does not cease and further extension can be granted in respect of the posts which have been created. In fact the respondents have already made proposals for extending the period during which the posts would be in existence. Shri Pradhan, counsel for the respondents states that no reply has been received in this respect but the appointments will have to be made in pursuance of the selection made by the Staff Selection Commission.

Shri Ramamurthy, counsel for the applicant states that the process of selection had already been adopted by the respondents while appointing the applicants who were sponsored

by the Employment Exchange. However that is not the manner in which regular appointments are contemplated. Having regard to this we do not think that the applicants have a right to continue in the post and have the right to hold the posts which are non-existing.

However, considering that it is a statutory requirement that the posts shall be created under Official Languages Act and the applicants were appointed, we find that the interests of the applicants have to be protected to that extent. We are also told that a scheme had already been framed for categories other than Typists by the Ministry of Personnel and Public Grievances by its letter at Exhibit 'D'. Such a scheme may also be framed covering the posts of Hindi Typist. If the Staff Selection Commission delays making appointments, the respondents to consider relaxation of the age of the applicants to the extent of the period for which they were working as Hindi Typists which would serve the purpose. By the offer of appointment dated 26.7.93 it was stipulated that the candidate appointed will not be permitted to seek employment elsewhere. The opportunity which was available to the applicants of securing alternative employment were thus shut out. The direction to the respondents will be to grant the relaxation to the extent we have stated above.

We further direct that any Adhoc appointment or regular selection which may be made by the Staff Selection Commission will be,

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subject to the applicant's applying for the posts ^{their} ~~and~~ being considered for regular selection.

Subject to this the interim relief granted stands vacated. With these directions we dispose of these O.As. No order as to costs.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

M.S. Deshpande

(M.S. Deshpande)
Vice Chairman

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