

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 368/1995

DATE OF DECISION: 20/06/2001

Shri Amarendra Sudhakar Ghayal

Applicant

Shri V.R.Giri for Shri A.Shivade

-----Advocate for
Applicant.

Versus

Union of India & 2 Ors.

-----Respondents.

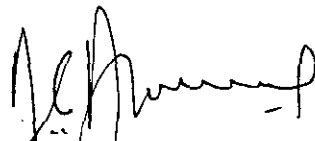
Shri R.K.Shetty

-----Advocate for
Respondents.

Coram:

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Smt. Shanta Shastry, Member(A).

1. To be referred to the Reporter or not? No
2. Whether it needs to be circulated to other Benches of the Tribunal? No
3. Library. No


(ASHOK AGARWAL)
CHAIRMAN

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:368/1995
DATED THE 20TH DAY OF JUNE,2001

CORAM:HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Shri Amarendra Sudhakar Ghaya1,
Residing at D-2, New Friends Colony,
Near Runwal Complex,
Kothrud, Pune - 411 029.

... Applicant

By Advocate Shri V.R.Giri for
Shri A.Shivade

V/s.

1. Union of India,
through the Secretary,
Ministry of Defence,
New Delhi -110 011.

2. The National Defence Academy,
through the Commandant,
Khadakwasala,
Pune 411 023.

3. Union Public Service Commission,
through the Secretary,
Dholpur House, Shahajahan Road,
New Delhi - 110 011.

... Respondents

By Advocate Shri R.K.Shetty

(ORAL)(ORDER)

Per Shri Justice Ashok Agarwal, Chairman

The case of the applicant in the present OA is similar to the case of the applicants in several decisions rendered by Tribunal such as Ms.Rohini Ramchandra Joshi ^{Ors v/s Union of India & Ors} in OA 57/95 and 490/98 decided by Hon.Shri Justice R.G.Vaidyanatha, Vice Chairman ^{on 23.9.1998} and Hon. Shri D.S.Baweja ^L and Shri R.Ganesh and Ors. V/s. Union of India & Ors in OA 478/99 decided by Hon. Shri Kuldip Singh, Member(J) and Hon.Smt.Shanta Shastry, Member(A) on 17/4/2001.

...2.

2. As was the case of the applicants in the aforesaid OAs, applicant in the instant OA has been appointed as Lecturer. ~~in Chemistry.~~ His appointment is on adhoc basis. He is continued from time to time by giving artificial breaks in service. He has been denied the benefit of regular service. In the circumstances, he has instituted the present OA claiming regularisation ~~and~~ other incidental benefits.

3. We have heard the learned counsel for the concerned parties and we proceed to dispose of the present OA by granting reliefs to the applicant similar to the ones granted to the applicants in the aforesaid OAs and other similar OAs.

4. In the result, application is allowed with following directions:-

- (i) While rejecting the claim of the applicant for regularisation/absorption, the respondents are directed not to terminate the services of applicants till the availability of regularly appointed candidates.
- (ii) The applicant should be continued in service in future on adhoc basis without any break during summer vacation or any other vacation and to give ^{prescribed} him in future regular salary as per the scale ⁱⁿ after fixing his pay notionally on the date of his appointment ~~which they are working after fixing their pay by and~~ after giving him ^{his} giving notional increments from the date of ~~their~~ application.

(iii) Applicant ^{is} ~~becomes~~ ^{all} entitled to other service benefits which ^{are available to regularly appointed candidates} ~~but would become due to him~~ from the date of filing of OA. He would however not be entitled to benefit of Credit of Leave.

5. Present OA is allowed in the aforesaid terms. No orders as to costs.



(SHANTA SHASTRY)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

abp