

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO:970/97.

Date of Decision: 19/12/97

Doctor Ashok Mahadeo Khade

Petitioner

Shri S.P. Kulkarni

Advocate for the
Petitioner.

V/s.

Union of India & 4 Ors.

Respondents.

Shri R.K. Shetty

Advocate for the
Respondents.

CORAM:

Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri P.P. Srivastava, Member (A).

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

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

abp.

R. G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6,PRESCOT RD,4TH FLR,
MUMBAI BENCH
MUMBAI-400 001.

ORIGINAL APPLICATION NO.970/97.

DATED THIS 19TH DAY OF DECEMBER,97.

CORAM : Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri P.P.Srivastava, Member(A).

Ashok Mahadeo Khade,
Ordnance Factory,
Ambernath.
R/at: 4-A, Matru-Shradhha,
Sane Wadi, Near Saibaba Mandir,
Badlapur (West), Kulgaoon,
DISTRICT-THANE.

... Applicant.

By Advocate Shri S.P.Kulkarni.

V/s.

Union of India
Through :

1. Director General Ordnance Factories,
Indian Ordnance Factories,
Department of Defence Production,
Ministry of Defence, 10/A Auckland Road,
CALCUTTA - 700 001.
2. General Manager,
Ordnance Factory,
Government of India,
Indian Ordnance Factories,
Ordnance Estate,
P.O. O.E., AMBERNATH 421 502.
3. The Secretary,
Ministry of Defence,
Government of India,
Raksha Bhawan,
New Delhi - 110 001.
4. Deputy Director,
Health Services,
Office of Director General,
Ordnance Factories, I.O.P.,
Government of India,
Ministry of Defence,
10/A, Auckland Road,
CALCUTTA-700 001.

... Respondents.

By Advocate Shri R.K.Shetty.

ORDER

[Per Shri Justice R.G.Vaidyanatha,V.C.]

This is an application filed under section-19
of the Administrative Tribunals Act. The applicant is a
doctor who is working as an Short Term Medical Officer(STMO)
in the Ordnance Factory, Ambarnath on adhoc basis. The



applicant is apprehensive that his services may be terminated at the hands of respondents, and he has approached this Court for regularisation of his service.

2. Respondents have filed reply opposing the application. At the time of argument and at the time of admission hearing, it was brought to our notice that UPSC has already selected candidate for regular appointment to the post occupied by the present applicant. It is well settled that an adhoc appointee can continue only till a regular candidate is appointed. Now the regular selection has taken place. The department wants to fill up the present post and the applicants request for regularisation has been forwarded to UPSC and the prayer of the applicant to restrain respondents from terminating his services cannot be granted. However, if no regular candidate is appointed, the applicant has full right to continue his appointment till a regular candidate is posted.


3. In the reply, it is stated that the applicant's request for regularisation has been taken up. If so, the department will consider the request of applicant according to rules and take a decision on the same. The Counsel for applicant brings to our notice that the applicant is a Scheduled Caste candidate and he has put in 3 years of service with short breaks. He also submits that there are many vacancies at different places under the respondents and the applicant should be considered for being continued in adhoc post in those vacant posts till his case for regularisation is considered and decided by the department.

4. The Learned Counsel for respondents submits that the applicant's request for adhoc appointment in any other posts will be processed in case the applicant makes a representation.



5. In the result the OA is disposed of at the admission stage with the following directions.

1. The applicant shall be continued on adhoc basis in the present post where he is now working till a regular candidate comes and joins the post.
2. Liberty to applicant to make a representation for adhoc appointment in any other vacant posts under the respondents. In case such a representation is made, respondents to consider the same according to rules and pass orders.
3. No costs.


(P.P. SRIVASTAVA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.