

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 769/98.

Date of Decision : 17.09.1998.

V. S. Sonawane, Petitioner.

Shri R. D. Suryawanshi, Advocate for the Petitioner.

VERSUS

Union Of India & Others Respondents.

None. Advocate for the Respondents.

CORAM :

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

(i) To be referred to the Reporter or not ? *ND*

(ii) Whether it needs to be circulated to other Benches of the Tribunal ? *ND*

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

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 769/98.

Dated this Thursday, the 17th day of September, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,  
VICE-CHAIRMAN.

Vishwas Shankar Sonawane,  
(Ex-Peon in Central Railway).

Residing at -

Ambedkar Nagar,  
Behind Railway Hospital,  
Bhusaval.

... Applicant

(By Advocate Shri R. D. Suryawanshi)

VERSUS

1. The General Manager,  
Central Railway,  
C.S.T. Mumbai - 400 001.
2. The Divisional Rly. Manager,  
Central Railway, Bhusaval  
- 425 201.
3. The Divisional Personnel  
Officer, D.R.M.'s Office,  
p/Branch, Bhusaval.
4. The Secretary,  
Central Railway,  
P.N.M. Bhusaval.

... Respondents.

(By Advocate - None )

: OPEN COURT ORDER :

PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN

Heard the Learned Counsel for the applicant.

2. In this application, the applicant is challenging the order of termination dated 14.04.1987.

The application is filed in August, 1998, nearly 11½ years after the order of termination. Except stating that the applicant was making representation and that he did not have sufficient funds, there is no sufficient grounds to condone this inordinate delay of 11½ years. In addition to this, I find that on merits, the applicant was appointed as a stop-gap arrangement, namely as a substitute in a leave vacancy. When regular candidate was appointed, the services of the applicant was terminated. Since the applicant's engagement was on temporary basis and as a stop-gap arrangement, he has no right for the post in question and, therefore, cannot challenge the order of termination.

3. Hence, both on the question of limitation, delay & laches and on merits, I do not find any merit in the application.

4. In the result, the application is rejected at the admission stage.

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