

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 519 OF 1998.

Date of Decision: 25.01.1999.

Dr. Sandeep Gajanan Rane, Petitioner/

Shri P.A. Prabhakaran, Advocate for the
Petitioner/s.

v/s.

Union Of India & Another, Respondent/s

Shri V. S. Masurkar, Advocate for the
Respondent/s

CORAM:

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

Hon'ble Shri D. S. Baweja, Member (A).

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

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

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

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

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

Dr. Sandeep Gajanan Rane,
E-15, Deendayal Nagar,
Navghar Road,
Mulund (East),
Mumbai - 400 081.

(By Advocate Shri P.A. Prabhakaran)

... Applicant

VERSUS

1. Dr. J. N. Bora,
Director,
Central Poultry Breeding Farm,
Goregaon (East),
Mumbai - 400 065.

... Respondents.

2. The Secretary,
Ministry of Agriculture,
Departmental of Animal Husbandry
& Dairying, Krishi Bhavan,
New Delhi - 110 011 representing
the Union Of India.

(By Advocate Shri V.S. Masurkar)

: OPEN COURT ORDER :

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

This is an application filed by the applicant seeking a direction to the respondents for his appointment on adhoc or temporary basis and some more reliefs. The respondents have filed reply opposing the application. We have heard both sides regarding admission.

2. Though the Learned Counsel for the applicant made some submission regarding the termination of the services of the applicant and the previous order passed by the Tribunal dated 06.03.1998 in O.A. No. 1120/97, we did not permit the applicant's Counsel to elaborate on this point, since the order of termination has been merged with the order of Tribunal dated 06.03.1998. The same point cannot be re-agitated or again canvassed in a subsequent O.A. If the applicant is aggrieved by the order of the Tribunal dated 06.03.1998, his remedy is elsewhere but certainly by not filing a fresh O.A. Similarly, the reliefs in the O.A. regarding contempt and review, cannot be granted in this O.A. The applicant will have to take necessary steps according to law.

3. The only relief that the applicant can press is prayer clause (A). As far as this relief is concerned, the respondents have already stated in the reply that they have advertised the post for direct recruitment. The Learned Counsel for the applicant also submitted that his client has applied for the post. We only observe that the respondents may consider the application of the applicant for the said job as per rules. If the respondents wants to appoint anybody on adhoc or temporary basis, then also they may consider the case of the applicant as per rules. In view of these observations, we find that the O.A. is not maintainable.

4. In the result, the O.A. is disposed of at the admission stage subject to the above observations.


(D. S. BAWEJA)
MEMBER (A).


(R. G. VAIDYANATHA)
VICE-CHAIRMAN.