

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 547 /1998.

Date of Decision: 10th July, 1998.

Arvind Keshav Naik,

Petitioner/s

Shri Avinash Shivade,

Advocate for the  
Petitioner/s

V/s.

Union Of India & Another,

Respondent/s

Shri R. R. Shetty,

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

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

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 547 OF 1998.

Dated this Friday, the 10th day of July, 1998.

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

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

Arvind Keshav Naik,  
Residing at -  
Top Floor, Athavale Corner,  
Karve Road,  
Pune - 411 004.

... Applicant

(By Advocate Avinash Shivade)

VERSUS

1. Union Of India  
Through the Ministry Of  
Defence, South Block,  
DHQ Post,  
New Delhi-110011.

... Respondents.

2. National Defence Academy,  
Through the Commandant,  
Khadakwasla,  
Pune - 411 023.

(By Advocate Shri R. R. Shetty)

: OPEN COURT ORDER :

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

Shri R. R. Shetty takes notice on behalf of  
Respondents. Copies of the O.A. furnished. Learned  
Counsel for the applicant prays for interim relief.  
Shri R. R. Shetty opposes granting of interim relief.



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2. After hearing both sides, we find that the applicant was working as a Lecturer on adhoc basis, and in view of an order of Division Bench of this Tribunal dated 24.10.1997 in O.A. No. 745/97, It is declared, following the decision of the Apex Court, that an adhoc appointee cannot be replaced by another adhoc appointee. In other words, an adhoc appointee will have to be continued till a regular candidate is selected as per rules. In this case, admittedly, regular selection has to be done through U.P.S.C. and it has not been done till now. Therefore, the applicant cannot be replaced by another adhoc appointee, much less a junior adhoc appointee. Therefore, the respondents are directed to consider the claim of the applicant for adhoc appointment for the academic year 1998-99 and the respondents should take a decision within seven days from today.

The Learned Counsel for the respondents, on instructions from the concerned officer, assured the Tribunal that necessary orders will be passed in respect of the adhoc appointment of the applicant within a week.

3. In view of this submission, nothing survives in the O.A. Therefore, the O.A. is disposed of at the admission stage. No costs.

Copy of the order be furnished to both sides.

  
(D.S. BAWEJ)  
MEMBER (A)

  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.