

*1/2/98*  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. : 986/98.

Date of Decision: 29.01.1999.

Shri Y. N. Pagade & 2 Others, Petitioner/s

Shri A. L. Kasturey for  
Shri M.C. Marpakwar, Advocate for the  
Petitioner/s.

v/s.

Union Of India & Others, Respondent/s

Shri V. D. Vadhavkar, Advocate for the  
Respondent/s

CORAM:

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

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

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

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

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

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 986/98.

Dated this Friday, the 29th day of January, 1999.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,  
VICE-CHAIRMAN.  
HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

1. Yadao Narayanrao Pagade,  
C/o. Employees' State Insurance  
Corporation,  
Local Office Hinganghat.
2. Raghunath V. Bavner,  
Ranala Colony,  
Nr. Pankaj Mangal Karyalaya,  
Kalmana Road, Kamptee,  
Nagpur.
3. S. P. Takey,  
Employees' State Insurance  
Scheme Hospital Quarters,  
C.I.D.C.O.,  
Aurangabad - 431 001.

... Applicants.

(By Advocate Shri A. L. Kasturey  
for Shri M.C. Marpakwar)

VERSUS

1. Union Of India,  
Ministry of Labour,  
Shram Shakti Bhawan,  
New Delhi.
2. Director-General,  
Employees' State Insurance  
Corporation,  
Head Office,  
Kotla Road,  
New Delhi - 110 002.
3. Regional Director,  
Employees' State Insurance  
Corporation, Regional Office,  
M. M. Joshi Marg, Lower Parel,  
Mumbai - 400 013.
4. Joint Regional Director,  
Employees' State Insurance  
Corporation,  
Sub-Regional Office,  
Panchdeep Bhawan, Ganeshpeth,  
Nagpur - 440 018.

... Respondents.

(By Advocate Shri V.D. Vadhavkar).



: OPEN COURT ORDER :

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

This is an application filed by three applicants challenging the order of termination dated 06.10.1998. Respondents have filed reply opposing the application. We have heard the Learned Counsels appearing on both sides. The applicants came to be appointed as L.D.C. in the Employees' State Insurance Corporation on adhoc basis.

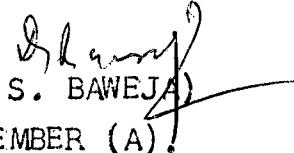
3. It appears, the department went in for direct recruitment and after the candidates were selected in direct recruitment, termination orders were issued to the adhoc employees, including the applicants. Being aggrieved by that order, the applicants have approached this Tribunal.

2. We need not mention the pleadings in detail, since the question is covered by the judgement of this Tribunal dated 24.08.1998 in O.A. No. 1180/97 and connected cases. In that judgement, we have already held that adhoc employees have no right to continue in the post when regularly selected candidates have been appointed. By adopting the same reasoning, we hold that the three applicants who were appointed on adhoc basis have no right to continue in the post when candidates who have been regularly selected have come. Hence, we do not find any irregularity in the order of termination.



3. Shri A. L. Kasturey, the Learned Counsel for the applicant, presses on the point that the applicants are Ex-servicemen. Even if so, they have already taken a chance in appearing for the examination in the direct recruitment notification and they have failed. It is open to the applicant to claim reservation for Ex-Servicemen as per rules, as and when the next direct recruitment takes place. Therefore, we find that there is no merit in the O.A.

4. In the result, the O.A. is rejected at the admission stage. No costs.

  
(D. S. BAWEJA)

MEMBER (A)

  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.

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