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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.A. No. 1403/1997

Date of Decision:

29th October, 1997

BETWEEN:

G.S. Bharatwaz

.. Applicant

AND

1. Union of India, rep. by its  
Secretary,  
Ministry of Defence,  
New Delhi.

2. Chief of Naval Staff,  
Naval Headquarters, New Delhi.

3. Eastern Naval Command Rep. by  
its Flag Officer,  
Commanding-in-Chief,  
Visakhapatnam.

4. Commanding Officer,  
INS- Sathavahana,  
Visakhapatnam -14.

5. Commanding Officer,  
B.V. Yard, Visakhapatnam .. Respondents.

Counsel for the Applicant: Mr. P.B. Vijaya Kumar

Counsel for the Respondents: Mr. V. Bhimanna

CORAM:

THE HON'BLE SRI R. RANGARAJAN: MEMBER (ADMN.)

ORDER

(Per Hon'ble Sri R. Rangarajan: Member (Admn.)

Heard Mr. Patro for Mr. P.B. Vijaya Kumar for the Applicant and Mr. V. Bhimanna for the Respondents.

The applicant herein is working as motor truck cleaner with effect from 16.10.84 in transport pool of non-public transport under the control of Respondent-4. He now states that the transport pool is going to be closed by the end of this month thereby he will be deprived of his livelihood.

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That applicants in OA 525/93 and OA 1008/97 got some relief by approaching this Tribunal by filing those OAs. He submits that he is similarly placed and hence his case also may be considered in those lines. When he applied to the Respondents for similar relief the respondents turned down his request on the plea that he was not a party in the earlier OA i.e. OA 525/93.

This OA is filed praying for a direction to the Respondents to appoint him in the post of M.T. Cleaner under respondents by extending necessary relaxations in terms of the decision of the Tribunal in OA 525/93 dated 16.6.1993 by engaging him on casual basis after the closure of the present transport pool under non-public fund.

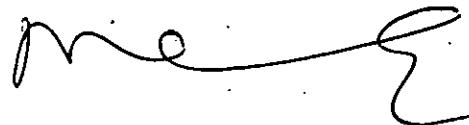
I have gone through the judgment in OA 525/93. The applicants in that OA were Drivers paid from non-public fund. However the OA was disposed of permitting the applicants to appear for the test along with others with certain observations. O.A. 130 of 94, wherein also the applicants were drivers paid out of the non-public fund were given similar relief as in OA 525/93. OA 1008/97 wherein the applicants were also casual drivers was disposed of directing the Respondents to dispose of the OA in accordance with the law, keeping in view the judgment in OA 525/93. Earlier OA 211/91 was filed in this Bench, which was dismissed as having ~~je~~ no jurisdiction to file the OA in the Tribunal. However latter OAs were disposed of with some directions.

I find that the case of the applicant is more or less similar to the applicants in OA 525/93. But no direction similar to what was given in OA 525/93 can be given in this OA, from the materials available on record. The applicant may be given some job as casual labourer in ~~fe~~ preference

to freshers from the open market in future. I feel this will meet justice in the matter.

In view of the above the Respondents are directed to consider the case of the applicant for casual engagement as Khalasi in Group-D category as and when any vacancy arises in future in preference to freshers in future.

The O.A. is disposed of as above at the admission stage itself. No costs.



(R. RANGARAJAN)  
MEMBER (ADMN.)

Date : 29th October, 1997

KSM

