

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**HYDERABAD BENCH : HYDERABAD**

**Original Application No. 1572/2013**

**Date of Order : 11.11.2019**

**Between :**

B.Anitha, D/o B.Lakshma Reddy, aged 25 years,  
Occ : Multi-Tasking Staff (MTS),  
(Under the orders of Termination),  
Beedi Workers Welfare Fund Dispensary,  
Sircilla, Karimnagar District, A.P.

... Applicant

**And**

1. Union of India, represented by  
The Director General (Labour Welfare),  
Govt. of India, Ministry of Labour &  
Employment, Jaisalmer House,  
Mansingh Road, New Delhi – 110 011.
2. The Welfare Commissioner,  
Labour Welfare Organization,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad – 500 095.
3. The Medical Officer,  
Beedi Workers Welfare Fund Dispensary,  
Sircilla, Karimnagar District, A.P.

... Respondents

Counsel for the Applicant

... Mr.K.R.K.V.Prasad, Advocate

Counsel for the Respondents

... Mr.T.Hanumantha Reddy, Sr.PC for CG

***CORAM:***

**Hon'ble Mr. Justice L. Narasimha Reddy ... Chairman**

**Hon'ble Mr. B.V. Sudhakar ... Member (Administrative)**

***ORAL ORDER***

***{ Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman }***

The applicant was appointed as a Multi Tasking Staff (MTS) to work in the Central Hospital for Beedi Workers, Mukkudal, Tamil Nadu State in the Ministry of Labour through an order dated 24.12.2012. She joined the service on 05.01.2011 and was kept on probation for a period of two years. The applicant is stated that she was employed between the period from 19.06.2003 to 14.07.2008 as a Female Nursing Assistant in Sathya Sai Nursing Home, Devarkadra, Mahaboobnagar District and from 15.07.2008 to 16.10.2010 in Murali Clinic, Rayachoty, Cuddapah District. She was issued a memo dated 03.02.2012 requiring her to submit full details of her residential particulars along with other information afresh, in the enclosed attestation form. The applicant furnished the same. However, another memo was issued on 28.05.2013 stating that the attestation form submitted by the applicant was forwarded to the State Government authorities for verification, but the report was not been received by

them till that date. It was also mentioned that it is proposed to discontinue the applicant and to appoint her on receiving verification report from the concerned authorities. The applicant submitted reply to that on 12.06.2013 stating that it is not in her control to arrange for verification with the State Government and the proposed action may be dropped.

2. The respondents have extended the probation by six months through an order dated 15.07.2013. Thereafter the respondents have passed an order dated 28.11.2013 terminating her services in exercise of power under Rule 5(1) (Proviso) of Central Civil Services (Temporary) Service Rules, 1965. The same is challenged in this OA.

3. The applicant contended that notice contemplated under the Temporary Service Rules was issued much less an enquiry under CCS (CCA) Rules. She contends that on expiry of probation, she became a full member of the service and the question of extending her probation beyond six months after completion thereof does not arise. Various other grounds are also urged.

4. The respondents filed a counter affidavit opposing the OA. It is stated that the selection is based on the information furnished by the applicant. It is stated that the particulars were not substantiated the procedure prescribed

for under law was followed and the impugned order was passed. It is further stated that no illegality has been done in this matter and that the OA is liable to be dismissed.

5. We heard Mr.K.R.K.V.Prasad, learned counsel for the applicant and Mr.Joes Kolanur representing Mr.T.Hanumantha Reddy, learned Sr.Panel Counsel for the respondents.

6. The basic particulars of the service of the applicant are furnished above. She was appointed on 24.12.2012 and was placed under probation for a period of two years. She joined the service on 05.01.2011, till 04.01.2013 she was on probation. The respondents wanted the applicant to furnish certain particulars. The memo dated 03.02.2012 issued in this behalf reads as under :

*I am directed to refer to the attestation form submitted by you at the time of joining in the service at Central Hospital Mukkudal and say that you have not submitted the details of your residential particulars at Rayachoty for the period from August, 2008 to September, 2010 in item No.4 in support of the details given in item No.11.*

*Therefore you are, directed to submit the full details of your residential particulars along with other information afresh in the enclosed Attestation form in duplicate within 15 days of receipt of this letter. The matter may be treated as "MOST URGENT".*

7. In response to this, the applicant furnished the particulars together with the attestation form. On receipt of the same, it might appear that the respondents themselves have entrusted the matter to police for verification. Naturally, they have to wait till the verification report reaches them. In case there is any undue delay on the part of the concerned authorities, a letter is required to be addressed to them. The respondents addressed a letter to the applicant on 28.05.2013, it reads as under :

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
OFFICE OF THE WELFARE AND CESS COMMISSIONER  
LABOUR WELFARE ORGANISATION  
KENDRIYA SADAN, SULTAN BAZAR, KOTHI  
HYDERABAD – 500 095

No.5(401)/A1/2013

Date : 28/05/2013

*Office Memorandum*

*Sub : Verification of Character and antecedents in r/o  
B.Anitha, MTS (Ayah) presently working as Sweeper in  
Beedi Workers Welfare Fund Disp., Sircila – Reg.*

*Smt B.Anitha was appointed as Multi Tasking Staff (in the post of Ayah) in the Central Hospital for Beedi Workers, Mukkudal, (Tamilnadu State) vide appointment order No.2(1)A1/2-1- dated 24/12/2010. Her appointment was subject to satisfaction of verification of her antecedents. Accordingly, Smt.B.Anitha has submitted attestation forms duly filled in for verification of her antecedents.*

*However, she has submitted in her said attestation form that she was staying in Dokur Village, Devarakadra Mandal of Mahaboob Nagar District from the 2005 to 2010. In spite of the fact that she has submitted experience certificate stating that she was working at Rayachoti (Kadapah YSR District) from August, 2018 to September, 2010. So this office has pointed out the said lapse and directed her to submit another*

*attestation form with factual details vide this office letter No.5 (I)/A1/2012 dated 02/02/2012. In response to the said letter Smt.B.Anitha has submitted her attestation form with details of her stay at Rayachoti which was forwarded to State Govt. Authorities for verification. But till today no verification report has been received from them.*

*Therefore in these circumstances it is proposed to discontinue her services and appoint her only after receiving verification report from the authorities concerned. Therefore Smt.B.Anitha, Sweeper is advised to offer her comments within 15 days of receipt of this letter.*

*This issues with the approval of the Welfare Commissioner.*

*Sd/-*

*(M.VENKATESWARA RAO)*

*Administrative.cum.Accounts Officer*

8. The applicant vide reply dated 12.06.2013 informed that she has no role in getting reply from the State Government authorities and hence she cannot be made responsible in this matter and requested to pursue the matter with the State Government at their end. As a matter of fact, if the applicant had to pursue with the State Government, it could have been amounted to meddling with the verification process and constitute the indiscipline. Therefore, such a suggestion itself is wrong.

9. The probation of the applicant expired by 04.01.2011. It is not the case of the respondents that it was extended before that date. It was only on 15.07.2013 the probation is extended, such a step is patently illegal. On expiry of the probation, the applicant became a full member of the service as per the procedure prescribed under the CCS (Temporary) Service Rules, 1965.

10. Assuming that the applicant was governed by the temporary service rules, a notice requiring her to explain as to why the proposed action should not be taken is mandatory. Even that was not issued. The result is that there are three parent illegalities have been committed, namely ;

(a) Extension of probation after the expiry of the period of probation

(b) Temporary service rules i.e. to a full member of service

(c) Failing to follow the CCS (Temporary) Service Rules.

11. Added to these, main illegalities, the respondents did not chose to issue notice under Rule 5 (1) (Proviso) of Central Civil Services (Temporary) Service Rules, 1965 even after they invoked that. In view of the above, the impugned order is accordingly set aside.

12. O.A. is allowed accordingly. There shall be no order as to costs.

**(B.V.SUDHAKAR)**  
**MEMBER(ADMN.)**

**(JUSTICE L.NARASIMHA REDDY)**  
**CHAIRMAN**

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