

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

CCP No. 66/90 In

O.A. No. 1372/88

T.A. No.

199

DATE OF DECISION 26.10.1990.

Mrs. Usha Rani

Petitioner

Shri K.L. Bhandula

Advocate for the ~~Petitioner(s)~~ Petitioner

Union of India & Others

Versus

Respondent

Shri P.P. Khurana,

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

ORDER

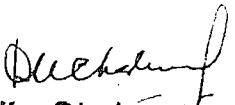
(by Hon'ble Mr. P.K. Kartha, Vice-Chairman)

The Petitioner, who is the original applicant in OA-1372/88, is aggrieved by the non-implementation of the interim order passed by the Tribunal on 26.8.1988 whereby the Tribunal directed that on provisional basis the applicant should be taken back to service if any person junior to her has been retained in service. This order was passed on the basis of the statement of the Counsel for the applicant that her services had been terminated while her juniors have been retained in service.

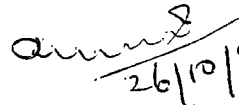
2. The respondents have stated in their reply affidavit that the services of the applicant, along with six others, stood terminated in 1987. The applicant alone filed OA-1372/88. After termination of their services, the

respondents have made fresh appointments w.e.f. 3.12.1987 after getting the nomination from the Employment Exchange. The Employment Exchange sponsored 116 names out of which 6 were selected after holding typing test and viva voce test. The name of the applicant did not figure in the list sponsored by the Employment Exchange. The respondents have contended that no person junior to the applicant was retained in service, that it is only incidental that some of the persons who were appointed afresh, were in ad hoc employment earlier also, and that four of them have filed separate applications in the Tribunal in November, 1988 and have obtained interim stay against termination of their services.

3. After carefully going through the records of the case and considering the rival contentions, we feel that the issues raised in the C.C.P. require going into the merits of the respective contentions of the parties. The Hon'ble Chairman has, vide his order dated 26.7.90, allowed MP-723/90 filed by the applicant for early hearing of the case and the final hearing of the case has been fixed on 14.1.1991. In view of this, we do not wish to pass any orders on the C.C.P. at this stage. We, however, make it clear that in case the applicant succeeds in the main application, she will be entitled to all consequential benefits. Let OA-1372/88 be listed ^{for further directions} for final hearing along with CCP-66/90 on 14.1.1991 on the top of the list, subject to overnight part-heard.


(D.K. Chakravorty)
Administrative Member

26/1/1990


(P.K. Kartha)
Vice-Chairman (Judl.)