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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 2459/90

Date of decision: 10.02.1992.

Ms. Krishna Kumari

...Applicant

Vs.

Union of India through the  
Secretary, Min. of Defence  
and Others

...Respondents

For the Applicant

...Shri G.D. Bhandari,  
Counsel

For the Respondents

...Shri M.L. Verma,  
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? */M*

JUDGMENT

(of the Bench delivered by Hon'ble Shri P.K.  
Karttha, Vice Chairman(J))

The issue involved in this case is similar to that of OA 707/89 (Satyapal Singh Vs. Union of India) decided on 16.8.1990 and OA 1983/90 (Shyam Singh Vs. Union of India) decided on 25.10.1991. The applicant was appointed as a Switch Board Operator in the office of the respondents on 10.7.1987 and she held that post till 16.12.1987 when her services were terminated. She has prayed for her reinstatement with all consequential benefits.

2. We have gone through the records of the case and have heard the learned counsel of both parties. The details of the period of service put in by the applicant, as set out

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in the application, are as follows:-

"10.8.87	to	7.9.87	60 days
10.10.87	to	17.12.87	60 days
19.12.87	to	16.2.88	60 days
19.2.88	to	18-4-88	60 days
13.2.89	to	13.4.89	60 days
27.4.89	to	25.6.89	60 days
18.10.89	to	16.12.89	60 days".

3. The applicant has alleged that after terminating her services, the respondents have appointed the following persons as fresh recruits:-

1. Km. Sarita Sharma
2. Shri Deepak Thapa
3. Km. Sudha
4. Shri Madan Lal Rathore
5. Km. Anita
6. Shri Sundram
7. Km. Madhu
8. Km. Dharam Viri
9. Km. Meena Bora
10. Km. Beena".

4. In our opinion, the termination of the services of the applicant while providing for engagement of outsiders as Switch Board Operators is not legally sustainable and is violative of the provisions of Articles 14 and 16 of the Constitution. A similar view was taken in the cases of Satyapal Singh and Shyam Singh, referred to above, and we reiterate the same.

5. Accordingly, we set aside and quash the impugned order of termination dated 17.12.1989. The respondents are directed to reinstate the applicant in service within

a period of 3 months from the date of receipt of this order. In the facts and circumstances, we do not direct payment of back wages to her. The application is disposed of on the above lines.

*B. N. Dhoundiyal*  
(B.N. DHOUNDIYAL)  
MEMBER (A)  
10.02.1992

*P. K. Kaetha*  
(P.K. KAETHA)  
VICE CHAIRMAN (J)  
10.02.1992

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