

O.A. by the order dated 31-7-91(Annexure A-8) it was observed as under:-

" Once having been appointed on a regular basis, obviously, her services could not be terminated in such a manner without giving to her an opportunity of hearing. The termination of her services in the circumstances is to be held arbitrary and cannot be sustained".

The impugned order was quashed and applicant was directed to be deemed to be continuing in service" so long as her services are not terminated in accordance with law".

2. It is in pursuance of the order of this order that the respondents issued the impugned show cause notice as per Annexure A-1 dated 10-7-1992 informing the applicant that she did not possess the require educational qualifications and therefore, she was asked to show cause as to why her service should not be terminated due to lack of educational qualifications. In response to the above show cause notice, the applicant has sent a detailed reply as per annexure A-11 dated 17-7-92 to the Joint Direction(Admn) in the office of the second respondent.

3. When the applicant did not receive any reply and she felt that her service might be terminated, she filed this O.A. seeking the following reliefs:-

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- (a) quash and set aside the impugned show cause notice dated 10-7-92 at Annexure A-1 to the application as illegal and bad in law.
- (b) to direct the respondent that the period between her date of termination and the date of reinstatement i.e. the intervening period between 27-10-84 to 24-10-91 be declared as spent on duty for all purpose alongwith consequential benefits like back wages, seniority and promotion etc.

4. Notice was issued to the respondents who have already filed their reply. An interim order has been issued directing the respondents to maintain the status quo in respect of the applicant and this interim order has been continuing till date.

5. When this matter came up today for admission we wanted the learned counsel for the applicant to argue how this application in so far as relief in para 8(a) is maintainable. He contended that, as a matter of fact, the earlier judgement of the Tribunal at Annexure A-8 finally settles the issue in favour of the applicant holding that the applicant possesses all the necessary qualifications and, therefore, the respondents cannot now take any action as contemplated in the show cause notice.

6. We have considered this plea. We are of the view, that it is open to the applicant to raise objections including the

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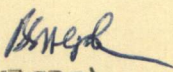
arguments adduced before us today by her learned counsel and place it before the competent authority in answer to the show cause notice and that authority is bound to consider her representation and pass an appropriate speaking order. This application is premature in so far as relief claimed in para 8(a) is concerned and therefore, the same is liable to be dismissed on that account.

7. In regard to relief in para 8(b) we notice that this does not arise out of the main grievance the applicant has with reference to the impugned Annexure -1 notice. We also find that some orders in this regard have also be passed by the Tribunal in the orders of Annexure -8.

8. In the circumstances, mentioned above we dismiss this O.A. in so far as pray 8(a) of the O.A. is concerned on the ground that it is premature but ~~present~~ permit the applicant, if she so chooses, to file a further representation in reply to the show cause notice (Annexure A-1) including therein all the relevant points raised in this O.A and others considered necessary, within 3 weeks from the date of receipt of this orders and the respondents/competent authority is directed to pass a speaking order on her reply/

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representations within four weeks from the receipt of the representation. In case the applicant is still aggrieved by the disposal of her representation, she is at liberty to seek such remedy as is advised. We dismiss this O.A. in so far as relief at para 8(b) of the O.A. is concerned, as being in the nature of multiple relief, but with liberty to agitate the matter separately, if so advised.


(B.S. HEGDE)
MEMBER(J)


26/07/83
(N.V. KRISHNAN)
VICE CHAIRMAN(A)

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