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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

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Original Application No. 250 of 1987.

Date of decision .. May 23, 1988.

Smt. Malati Das , daughter of Sri Lokanath Das,  
Lower Division Clerk in South Eastern Circle,  
Survey of India, Bhubaneswar, at present- Hatasahi,  
Bhubaneswar, Dist- Puri. .. Applicant.

Versus

1. Director, South Eastern Circle, Survey of India,  
83 A, B.J.B. Nagar, Bhubaneswar, Dist- Puri.
2. Surveyor General, Surveyor General's Office,  
Post Box No. 37, Berhadun ( U.P.).
3. Staff Selection Commissioner, Deptt. of Personal and  
Training, Block No.12, Central Government Offices Complex,  
Lodhi Road, New Delhi-110 003.
4. Union of India, represented through the Secretary to the  
Government of India, Ministry of Science & Technology,  
Secretariat Building, New Delhi.. Respondents.

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M/s A.S.Naidu, P.Mohanty, P.K.  
Mohapatra & C.R.Dash, Advodates .. For Applicant.

Mr. Ganeswar Rath, Addl. Standing  
Counsel ( Central) .. For Respondents.

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C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P.ACHARYA, MEMBER (JUDICIAL).

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1. Whether reporters of local papers may be  
permitted to see the judgment ? Yes .
  2. To be referred to the Reporters or not ? NO
  3. Whether Their Lordships wish to see the fair  
copy of the judgment ? Yes .
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J U D G M E N T

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985 , the petitioner prays to quash the order of termination of the services of the petitioner and to order her reinstatement and further it is prayed that the application of the petitioner for appointment to the regular post be ordered to be forwarded to the Staff Selection Commission .

2. Shortly stated , the case of the petitioner is that she was a Lower Division Clerk in the office of the South Eastern Circle, Survey of India , Bhubaneswar and she was being appointed for 89 days at regular intervals. Suddenly vide Annexure-9 , the petitioner was informed that her services were no longer required in the office with effect from the afternoon of 13.10.1986. Being aggrieved by this order contained in Annexure-9 , the petitioner has invoked the jurisdiction of the Bench for interference .

3. In their counter , the respondents maintained that no illegality has been committed by issuance of the notice contained in Annexure-9 and therefore this Bench should not interfere .

4. We have heard learned counsel for the petitioner and Mr. Ganeswar Rath, learned Additional Standing Counsel for the Central Government at some length . It was told to us by the learned Additional Standing Counsel that in compliance with the order passed by this Bench on 23.10.1987 in connection with Original Application No. 250 of 1987 , the application

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of the present petitioner was also forwarded to the Staff Selection Commission and the petitioner had appeared at the test conducted by the Commission and the petitioner could not be successful in the test. Hence in such circumstances there was no option left to the competent authority to appoint the petitioner. No doubt, Mr. Mohanty vehemently pressed before us that the petitioner should be at least appointed on 89 days basis as casual employee even though she has not been successful in the examination. We find no merit in the aforesaid contention of Mr. Mohanty because once the petitioner has not turned out successful in the test conducted by the Staff Selection Commission, any further appointment is untenable and the authorities have no right to give her an appointment. In such circumstances, we find no merit in the contention of the learned counsel for the petitioner and the application stands dismissed leaving the parties to bear their own costs.

*Agan*  
 ..... 23.5.88  
 Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

*I agree.*

*Ambedkar*  
 ..... 23.5.88  
 Vice Chairman

Central Administrative Tribunal,  
 Cuttack Bench.

May 23, 1988/Roy, SPA.