

FORM NO.4

(See Rule 12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Application No. 503 of 1998

Applicant (s) Ashok Kec-Behere Respondent (s) Union of India

Advocate for Applicant (s) M. S. B. Jena Advocate for Respondent (s) S. P. Mohandy
P. Kec-Lenka

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>J. P. O. Sb R. S. 50/- has been filed 28.9.98</p> <p><i>This application may please be submitted for registration</i> Ratna 28/9</p>	<p>REGISTER</p> <p><i>By Respondent By Registrar</i></p> <p>This matter has been taken up on being mentioned by the learned counsel for the petitioner in the morning. Seen the petition. Heard the learned counsel for the petitioner and learned Addl. Standing Counsel Shri S.C. Samantray appearing on behalf of the respondents on whom a copy of the petition has been served. After hearing learned counsel for both sides, we feel that this matter can be disposed of at the stage of admission by giving appropriate direction to the departmental authorities.</p> <p><i>28.9.98</i></p> <p>The short facts of this case according to petitioner are that he was appointed as E.D.D.A., Kalarabanka B.O. in order dated 21.3.1998 (Annexure-1). After six months of his working a show cause notice was issued to him in order dated 14.9.1998 which has been received by the applicant on 19.9.1998 indicating that his appointment has been made in contravention of executive/administrative instructions and the applicant has been asked to file show cause against the proposed action of cancellation of his appointment for the post of EDDA. In response to this the applicant has filed a representation on 26.9.1998 in which he has, inter alia, indicated that in the show cause notice the details of violation of executive/administrative instructions</p>

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have not been communicated to him and as such he is not in a position to file any representation showing cause against the proposed action of cancellation of his appointment.

After hearing the learned counsel for the petitioner we feel that the purpose of issuing a show cause notice to enable a person to whom it is issued to make a meaningful representation against the action proposed to be taken. In the instant case the departmental authorities have not indicated on what grounds the appointment of the applicant is in violation of executive/administrative instructions. Obviously unless this is communicated to him the applicant would not be in a position to make a meaningful representation against the action proposed to be taken. In consideration of this the departmental authorities are directed to indicate to the applicant by a fresh notice the ground on which his appointment as EDDA, Kalarabank B.O. is in contravention of executive/administrative instruction. The applicant should file a representation within seven days from the date of receipt of communication of grounds on which the departmental authorities held that his appointment is in contravention of executive/administrative instruction and action, if any, may be taken after taking into consideration his representation.

With the above direction the Original Application is disposed of at the admission stage.

Hand over copies of the order to learned counsel for both sides and copies of the order be sent to respondents along with notices.

A copy of the order dt. 28.9.98 may be given to the counsels for both sides.

Patna
29/9.

29.09.98
S.O

Received
29/9/98
Revd
Adu
29/9/98

VICE-CHAIRMAN
MEMBER (JUDICIAL)

J. D. Singh
29/9/98