

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Application No. OA of 199 22 9

Applicant (s)..... Satya Hati Respondent (s)..... 001 808

Advocate for Applicant (s) M/s. S.K. Mohanty Advocate for Respondent (s).....

S.P. Mohanty
P.K. Lenka
SK Das

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

REGISTER

29.1.99
Dy. Registrar

Seen the petition. Heard the learned counsel for the petitioner Shri S.P. Mohanty and Shri A.K. Bose, learned Senior Standing Counsel appearing for the respondents, on whom a copy of the petition has been served. After hearing learned counsels for both sides, we feel that this Original Application can be disposed of at the admission stage by issuing appropriate direction to the departmental authorities.

The short facts of this case, according to petitioner are that for the post of E.D.D.A--cum-M/C Ankuli BO, there was a process of selection in which he applied and was found most suitable. He was given the appointment and he joined the post on 23.3.1998. It is submitted by the learned counsel for the petitioner that even though he was selected through a regular process of selection his appointment was provisional from 23.3.1997 to 30.4.1998 or till the regular appointment is made; whichever is earlier. Thereafter on 1.5.1998 another order was issued to him giving him provisional appointment till the regular appointment is made. While the matter stood as such, the ~~appointment order~~ applicant was issued

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free copy of the order No. 1 dt. 29.1.99 may be given to the applicant's counsel.

Fathu
2/2

Received
S. O
12-2-99

Free copy of the order dt. 29.1.99 with copy of the original application may be sent to all opp. parties by regd. post.

Fathu
11/2

Received
S. O
12-2-99

A copy of the order dt. 29.1.99 may be given to Mr. A. K. Basu, S. S. C.

Fathu
18/2

Received copy
to A. K. Basu
S. S. C.

Received
S. O
12-2-99

with notice dated 6.1.1999 at Annexure-6 in which he was informed that his appointment has been found to have been made in contravention of administrative/executive instructions of the department and therefore, it is proposed to terminate his service. In this notice the applicant was directed to file representation/show cause if any, against the above proposal within a period of one month from the date of receipt of memorandum and also to indicate if he wants to be heard in person. In response to this the applicant filed a representation dated 8.1.1999 at Annexure-7 in which he pointed out that the exact nature of violation of administrative/executive instruction in the matter of his appointment has not been communicated to him in the show cause notice at Annexure-6 and therefore, he is not in a position to make adequate representation. He, therefore, prayed that the proposed action should be dropped and he should be allowed to continue in service.

We have heard learned counsels for both sides. There are a large number of decisions of the Apex Court that before taking any executive/administrative action which has suffered consequence for an employee show cause notice is to be given, but for making it possible for the concerned employee to make a meaningful representation it is necessary that nature of circumstances because of which action is proposed to be taken against him should be communicated to him. This has not been done in the present case. In view of this we dispose of this Original Application by issuing directions to Res. 2 and 3 to indicate to the applicant the very nature of violation of administrative/executive instruction within a period of 15 days from the date of receipt of copies of this order giving opportunity to the applicant of another 15 days time for making his representation thereon. Action, if any, against the applicant should be taken only after his representation is filed in accordance with the direction given as above. is disposed of.

J. V. M.

J. V. M.
VICE-CHAIRMAN
29.1.99
L. M.
MEMBER (JUDICIAL)

Dharmalal
A. K. Basu