

(A)  
FORM NO.4

(See Rule 12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

ORDER SHEET

Application No. OA 23 of 1999

Applicant (s) Laxman Nayak Respondent (s) U.O.I. 808

Advocate for Applicant (s) M/S SK Mohanty Advocate for Respondent (s) SP Mohanty

P.K. Lenka

SK Das

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>200 for 18501 P.W. For Regn pl 27.1.99 Dy. Registrar 27/1 27/1</p> <p>For Admin pl 8/1/99 Bench J. V. M.</p>	<p>REGISTER By Registrar 29/1/99</p> <p>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 directions to the departmental authorities.</p> <p>The short facts of this case, according to petitioner are that for the post of E.D.D.A. Gr.I, Gopalpur S.O. 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 2.3.1998. 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 1.3.1998 to till regular appointment is made or decision of the C.A.T. Case filed by Shri J.Umapathi Reddy and K.C.Nayak in O.A.No.s.353/97 and 225/97 respectively. While the matter stood as such the applicant was issued with notice dated 6.1.1999 at Annexure-5 in which</p>

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

free copy  
of the order  
dt. 29.1.99 may  
be given to  
the applicant  
counsel.

fa/s  
SL 2

Received  
S. O

Free copy of  
the order dt. 29.1.99  
with copy of  
the original  
application may  
be sent to all  
respects by Reg  
Post.

fa/s  
SL 2

Received  
S. O

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

fa/s  
18/2

Received copy  
for Mr. A. K. Basu,  
S. S. C.  
S. O  
S. O

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 representations to 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 6.1.1999 at Annexure-6 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-5 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 <sup>Civil</sup> ~~any~~ 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 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 above. *is disposed of V.W.*

VICE CHAIRMAN  
29.1.99

MEMBER (JUDICIAL)

Received  
S. O