

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application 38/2012

Date of Order:09.02.2012

CORAM:

**HON'BLE Mr. SUDHIR KUMAR, ADMINISTRATIVE MEMBER,
HON'BLE Mr. V. AJAY KUMAR, JUDICIAL MEMBER.**

Mala Ram Dhanka S/o Shri Prabhu Dayal Dhanka, aged about 34 years, R/o Type-I/17, CSWRI Arid Region Campus, Bikaner, at present employed on the post of Skilled Supporting Staff in the office of ARC (CSWRI) Bikaner.

...Applicant

Mr. J.K. Mishra, Counsel for Applicant.

Versus

1. Indian Council of Agricultural Research through its Secretary, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi.
2. The Director, Central Sheep and Wool Research Institute, Avikanagar, Tehsil – Malpura, District Tonk.
3. The Head, Central Sheep and Wool Research Institute, Arid Region Campus, Post Bichhwal Industrial Area, Bikaner.

...Respondents.

ORDER (ORAL)
(Per Sudhir Kumar, Administrative Member)

Learned counsel for the applicant submits that the applicant was appointed in substantive capacity, and order of his confirmation on completion of probation period was also passed through Annexure-A/6, dated 08.09.2010. With that the applicant had attained the status of a permanent Government servant after successful completion of probation.

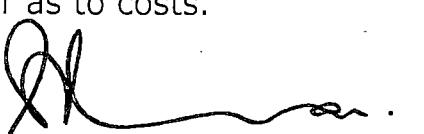


2. The learned counsel for the applicant further submits that now, through Annexure-A/1, the respondents have issued him a show cause notice asking him to show cause as to why his appointment could not be cancelled with immediate effect. He submits that after the applicant had attained the status of a permanent Government servant, he could not be removed from the service in this manner, without following the procedure as per the Rules and the process prescribed in the CCS (CCA) Rules, 1965. Therefore, he seeks directions in regard to Annexure-A/1.

3. It is seen that in the Annexure-A/1, no mention has been made about the particular Rule under the CCS (CCA) Rules, 1965, under which the action proposed to be taken has been initiated against the applicant. Therefore, the respondents are directed not to take any action against the applicant in pursuance of the Annexure-A/1, without following the procedure laid down/prescribed in the CCS (CCA) Rules, 1965, which as it is they are fully entitled to do, and to proceed against the applicant as per the law. The impugned Annexure-A/1 is set aside as being bad in law.

4. With the above observations and directions, and with liberty to the respondents to take recourse to any due process as prescribed, the O.A. is disposed off. No order as to costs.

V. Ajay Kumar
(V. AJAY KUMAR)
JUDICIAL MEMBER


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER