

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O.A. No. 443/90  
~~XXXXXX~~

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DATE OF DECISION 5-6-1990

CU Viswanathan & 2 others Applicant (s)

Mr M Girijavallabhan Advocate for the Applicant (s)

Versus

Union of India and another Respondent (s)

Mr KA-Cherian, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr.SP Mukerji, Vice Chairman

&

The Hon'ble Mr. N Dharmadan, Judicial Member



1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

(Shri SP Mukerji, Vice Chairman)

In this application dated 2.6.1990 the applicants who have been working as Engine Room Assistants and Junior Deckhand on a tenure <sup>basic</sup> ~~after~~ <sup>after</sup> Institutional Training have approached this Tribunal to guard them against threatened termination of their appointment. It appears that on 24.4.1990 when the Director with other officers visited the vessel 'M.V.Prashikshani' at 21.15 hours, they were not found to be on duty. Though no order of termination has been issued by the respondents, the applicants are apprehending <sup>termination of</sup> ~~of~~ their services summarily because of their

alleged lapse. It has also been stated that the third applicant who has been on sick leave has not been allowed to join duty after first week of May, 1990.

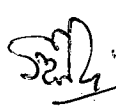
2. We have heard the learned counsel for both the parties and gone through the documents. There is no order of termination of the services of the applicants. From Annexure-A it appears that the applicants were appointed temporarily for a fixed period against specific posts on a running pay scale. Their guardians have entered into a bond also with the respondents in which inter alia there is an undertaking on the part of the respondents to give them training in Deep Sea Fishing methods (on board a ship) for a maximum period of 27 months or upto the time the trainee is or becomes eligible to appear at the Engine Driver of Fishing Vessel Examination. It has also been provided in the bond (Annexure-F to the application) that the Government shall give three months notice before termination. The learned counsel for the respondents indicated that the tenure of appointment of the applicants had expired but the learned counsel for the applicant indicated that they have been allowed to continue in their posts even after the expiry of the last extension. His plea is that there is always a time lag ~~order giving further extension~~ between the expiry of the last extension and issuance of formal ~~order~~  

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3. Be that as it may, in the conspectus of facts and circumstances we close this application with the direction to the respondents that the termination of the services of the applicants if at all, should be effected only in accordance with law and after affording an opportunity to the applicants to advance their defence in case any action with adverse consequence is proposed to be taken against them. The applicants will be at liberty to approach this Tribunal, if so advised and in accordance with law, if they are aggrieved by any action taken by the respondents. Till their services are terminated in accordance with law, the applicants should be retained in their present assignment/training in accordance with law.

4. A copy of this order may be given to the learned counsel on either side by hand.

  
5.6.90  
(N DHARMADAN)  
JUDICIAL MEMBER

  
5.6.90  
(SP MUKERJI)  
VICE CHAIRMAN

5-6-1990

trs