

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.537/97

Tuesday, this the 3rd day of June, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M.R.Raji,  
Gardener  
(Temporary Status Group D)  
Integrated Fisheries Project,  
Kochi-16.

- Applicant

By Advocate Mr TC Govindaswamy

Vs

1. Union of India through  
the Secretary to the  
Government of India,  
Ministry of Agriculture,  
New Delhi.

2. The Director,  
Integrated Fisheries Project,  
Kochi-16.

- Respondents

By Advocate Mr PR Ramachandra Menon, ACGSC

The application having been heard on 3.6.97 the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant was initially inducted into the service  
of the respondents as a Casual Labourer with effect from  
2.1.89 being selected through Employment Exchange. He was  
conferred with temporary status with effect from 1.9.93 by  
order dated 30.4.94. Considering his position in the gradation

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list of casual labourers, the applicant was offered the post of Processing Worker, a regular Group 'D' post on ad hoc basis in the scale of Rs.750-940 by memorandum dated 8.8.96. Accepting the offer of appointment, the applicant reported for duty on 9.8.96 as a Processing Worker. As there was some discrepancy in the placement of the applicant and Shri Krishnakumar who joined later as a Processing Worker, the applicant had made a representation which was replied to by order dated 26.10.96 that the question would be considered while preparing the seniority list. The present grievance of the applicant is that taking advantage of a request made by him for a posting back to the processing unit, the respondents have arbitrarily passed the impugned order dated 8.4.97(A-9) terminating the ad hoc appointment of the applicant as Processing Worker while retaining persons junior to him for instance, Shri Krishnakumar and Shri Santhosh. Aggrieved by the termination of his ad hoc appointment on the regular post of Processing Worker, the applicant submitted a representation on 9.4.97 to the second respondent. Immediately thereafter, the applicant has filed this application praying that the impugned order may be quashed.

2. The respondents in their reply seek to justify the impugned order on the ground that the applicant was sent back to the processing unit only at his request as there was no regular post of Processing Worker available in that unit.

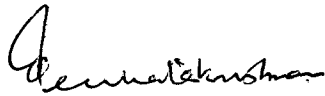
As the issue involved is simple and the pleadings in the case are complete as agreed to by the learned counsel, we heard them for a final disposal of this case.

3. Having heard the learned counsel on either side and having perused the materials on record, we are of the considered view that the action of second respondent in passing the impugned order A-9 terminating the ad hoc appointment of the applicant, retaining his juniors is wholly unjustified. The applicant in his representation A-8 had only explained his difficulties in working in the mobile unit and requested for a posting in the processing unit. He had not stated that the ad hoc appointment may be terminated and he may be sent back as a casual worker. If it was not feasible to transfer the applicant as a Processing Worker to the processing unit for want of a vacancy, the respondents should have given a reply to that effect and called for his willingness for termination of the ad hoc appointment as Processing Worker and for sending him back as casual labourer with temporary status. The applicant has never asked for termination of the appointment as Processing Worker nor opted for being sent back as a casual labourers with temporary status. Under these circumstances, the impugned order A-9 is liable to be set aside.

4. In the light of what is stated above, the impugned order A-9 is set aside and the second respondent is directed

to reinstate the applicant as Processing Worker in the mobile processing unit forthwith, at any rate, within a period of fifteen days from the date of receipt of a copy of this order. The application is allowed to the extent as indicated above. No costs.

Dated, the 4th June, 1997.



PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER



AV HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES

Annexure A8. A true copy of the representation dated 8.4.97 submitted by the applicant to the second respondent.

Annexure A9 A true copy of the office order No. 64/97 dated 8.4.97 issued by the second respondent.