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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.622/89.

Kum. G.J.D'souza. ... Applicant.

V/s.

Union of India & Another. ... Respondents.

Coram: Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava,
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:


Applicant by Shri G.S.Walia.

Oral Judgment:-

(Per Shri U.C.Srivastava, Vice-Chairman) Dated: 8.7.1991.

The applicant was selected as LDC (Hindi Typist). In pursuance to the notification issued by the respondents, the applicant appeared for the written test and interview and after selection she was appointed in the said post temporarily vide order dt. 10.10.1986. While there was a condition that the applicant's appointment was on purely temporary basis and her services can be terminated at any time without assigning any reason, there was no mention in the appointment letter that the appointment was against a reserved post for SC/ST. It appears that the Dy. Director to whom powers were delegated made a reference to the Staff Selection Commission and the Commission intimated vide letter dt. 10.7.1986 that it was decided to permit him to fill up the vacancy through permissible channels including Employment Exchange subject to fulfilment of conditions laid down in the Recruitment Rules for LDC. It appears that in this way a relaxation was granted by the SSC and thereafter the applicant who succeeded in the written test, was appointed. It is mentioned neither in the reference made nor in the reply which was sent by the SSC that the post was temporary and that her services

would be coming to an end when a SC/ST community candidate is available. It appears that subsequently on some other post R-3 was appointed and as the R-3 was selected by the SSC the applicant's services were terminated by order dt. 18.9.1989. The applicant has challenged the legality, validity, constitutionality and propriety of the said order. With a shoft written statement filed by the respondents it has been stated that the post was temporarily created and the applicant was appointed against that post. Sanction of the said post was granted upto 18.2.1990. The fact that the services of the applicant was terminated much before February, 1990 will indicate that the applicant was not appointed against such temporary post. The relaxation from the SSC was also not taken nor granted against any such post. The services of the applicant could not, therefore, have been terminated on that basis. The termination order is without any basis and arbitrary. The application deserves to be allowed. The order of termination dt. 18.9.1989 is accordingly quashed and set aside. However, it is made clear that this does not mean that the services of R-3 should be terminated.



(M.Y. PRIOLKAR)
MEMBER(A)



(U.C. SRIVASTAVA)
VICE-CHAIRMAN.