

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 26th FEBRUARY 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)

Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION No.1871/86

Smt. Uma S
No. 1185, 5th Cross,
L.N.S. Colony, Yeshvantpur
Bangalore 22

- Applicant

(Sri. M.Naranaswamy, Advocate)

and

1. The Government of India
rep. by its Secretary,
Planning Commission,
Yojana Bhavan, Sansad Marg
New Delhi 1

2. The Regional Evaluation Officer
No. 306-291/1, Huderaguda
Hyderabad 29

3. The Project Evaluation Officer,
Office of the Project Evaluation,
No.1, Karnik Road, Basavanagudi
Bangalore 4

- Respondents

(Sri M.Vasudeva Rao, Advocate)

This application came up for hearing
before this Tribunal and Hon'ble Sri Ch.Ramakrishna
Rao to-day made the following

O R D E R

The applicant was sponsored by the
Employment Exchange ('EE'), Bangalore for being
considered for appointment as Lower Division
Clerk ('LDC') in the office of the Project
Evaluation Officer - R3. Pursuant to the order

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dated 26.7.83 she was appointed as LDC on ad-hoc basis for a period of six months (Annexure D). The period was extended on 31.5.84 for a further period of six months or till regular appointments are made whichever is earlier (Annexure E). She x desired to appear for the examination held by the Staff Selection Commission ('SSC') in the year year 1986 and accordingly sent her application to the SSC through proper channel. The application was, however, rejected by a memorandum dated 13.10.86 on the ground that she did not fall within the age limit (25 years) at the time she was initially appointed. This memo dated 13.10.86 is under challenge in this application.

2. Shri M. Narayanaswamy, learned counsel for the applicant, submits that his client was very much within the age limit; that on verification an endorsement dated 24.10.86 was made by the EE to R3 informing him that on verification from the records she was within the age of 25 years as on 7.4.1983 when the EE was notified of the vacancy and in view of the mistaken impression under which the SSC laboured, his client should not suffer. Sri M.V. Rao, learned counsel for the respondents, submits that the applicant has no right to the post of LDC to which she was appointed only on ad-hoc basis and her prayer should not, therefore, be granted.

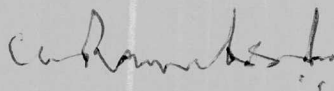
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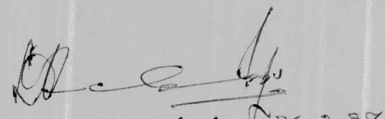
3. We have considered the matter carefully. We have no doubt that the SSC should have taken into account the endorsement dated 24.10.86 of the EE to R3 and acted upon the same and by no doing so the career of the applicant has been prejudiced.

4. We, therefore, direct the respondents to sponsor the name of the applicant for appearing at the next examination to be held by SSC. The respondents shall draw the attention of SSC to this order of the Tribunal wherein validity of the endorsement dated 24.10.1986 has been upheld so that SSC would be in a position to permit the applicant to appear at the next examination to be held by SSC.

4. Respondents are also directed to take back the applicant into service pending her appearance at the examination to be held by SSC and the announcement of the results thereof.

5. In the result the application is allowed.
No order as to costs.


Member (J)


Member (A) 26.2.87

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@@@@@@@@@@

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 3/8/87

REVIEW APPLICATION NO 91 /87()

IN APPLICATION NO. 1871/86(F)

W.P. NO _____

Applicant

The Secy, Planning Commission & 2 Ors V/s Smt S. Uma

To

1. The Secretary
Planning Commission
Yojana Bhavan
Sansad Marg
New Delhi - 110 001

2. The Regional Evaluation Officer
3-6-291/1, Hyderguda
Hyderabad - 29

3. The Project Evaluation Officer
Office of the Project Evaluation
1, Karnik Road
Basavanagudi, Bangalore - 560 004

4. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

5. Smt S. Uma
1185, 5th Cross
L.N.S. Colony
Yeshwantpur
Bangalore - 560 022

6. Shri M. Narayanaswamy
Advocate
844 (Upstairs)
Vth Block, Rajajinagar
Bangalore - 560 010

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said Review
application on 23-7-87.

Encl : as above

B. V. Venkatesh
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

Copy for 1871/86

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 23rd JULY, 1987

Present: Hon'ble Member Sri Ch. Ramakrishna Rao Member(J)
 Hon'ble Member Sri P. Srinivasan Member(A)

REVIEW APPLICATION NO. 91/87

1. The Govt. of India
represented by its Secretary,
Planning Commission,
Yojana Bhavan,
Sansad Marg, New Delhi-1.
2. The Regional Evaluation Officer,
3-6-291/1 Hyderguda,
Hyderabad - 29.
3. The Project Evaluation Officer,
Office of the Project Evaluation,
1, Karnik Road,
Basavangudi, Bangalore - 4

Applicants

(Sri M. Vasudeva Rao,..... Advocate)

VS.

Smt. S. Uma,
1185, 5th Cross,
L.N. S. Colony,
Yeshwantpur, Bangalore - 22

Respondent

(Sri M. Narayanaswamy,..... Advocate)

This application has come up for hearing before
this Tribunal today, Hon'ble Member (J) made the
following

O R D E R

The applicant in A.No. 1871/86 was working as
Lower Division Clerk (LDC) in the office of Programme
Evaluation Officer, Bangalore (Respondent3) on an
ad hoc basis, having been recruited through Employment
Exchange in 1983. In the order passed by this Tribunal
on 26.2.1987 in the aforesaid application we directed



the Respondents therein to sponsor the name of the applicant for appearing at the next examination to be held by the Staff Selection Commission (SSC) for regularising her status as LDC. The respondents in that application were also directed to take back the applicant into service pending her appearance in examination to be held by SSC and the announcement of results thereon.

2. Shri M. Vasudeva Rao, learned counsel for the applicants in the Review Application (RA), submits that the ad hoc appointment of the respondent herein could not be regularised because by the time the order of the Tribunal reached his clients the special qualifying examination for the ad hoc LDCs was already over and no further examination will be held hereafter by the SSC for the purpose. In view of this, he submits that liberty may be given to his clients to terminate the services of the respondent herein.

3. Shri M. Narayanaswamy, learned counsel for the respondent herein, submits that the direction given by this Tribunal in its order dated 26.2.1987 was necessitated because the applicants herein, under an erroneous impression of the correct date of birth of his client, withheld ~~permission~~ to her for appearing in the examination to be held by the SSC in 1986 and on account of the fault of the applicants herein his client should not suffer.

4. We have considered the rival contentions carefully. We are satisfied that the recruitment of the respondent herein as LDC having been done in

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conformity with the procedure in vogue at the relevant time and she having been wrongly denied the opportunity to appear for the examination held by SSC in 1986 for the purpose of regularisation, her career prospects should not be jeopardised on account of cessation of the examination by the SSC for the purpose of regularisation, over which she has no control.

5. We, therefore, direct the applicants in the RA to regularise the appointment of the respondent herein by placing her for the purpose of seniority below the last ad hoc LDC regularised through the SSC procedure.

6. The respondent in this application has filed an IA praying for backwages for the intervening period between the termination of her services and her reappointment in pursuance of this Tribunal's order dated 26.2.1987. We find no merit in this application, which we reject.

7. In the result the RA and IA are disposed of as indicated above. No order as to costs.

Sd _____

Member (J) "Truecoli"

Sd _____

Member (A)

sb.

B.V. Wankar
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
3/8/87