

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH BANGALORE

DATED THIS THE 21ST NOVEMBER 1986

Present: Hon'ble Shri Ch. Ramakrishna Rao,

Member (J)

Hon'ble Shri P. Srinivasan,

Member (A)

APPLICATION No. 601/86

Smt. R. Gangamma,
Aged about 28 years,
Daughter of Sri.D.
Rama Murthy,
No. 212/E, R.T. Street,
Bangalore - 560 053

Applicant

(Shri M.S. Nagaraj, Advocate)

1. The Director of Census of
Operations in Karnataka,
No. 21/1, Mission Road,
Bangalore-560 027.
2. The Registrar General of India,
2/A, Mansingh Road,
NEW DELHI - 110 001.

Respondents

(Shri M.V. Rao, Advocate)

The application has come up for hearing before this
Tribunal, today, Member (A) made the following:

O R D E R

By this application, the applicant challenges the order
dated 24.3.1986 (Annexure E) by which an earlier order dated
25.1.1985 regularising her appointment as a Lower Division
Clerk (LDC) stood cancelled.

2. The applicant was appointed as an ad hoc LDC on
15.10.1980 in the office of The Director of Census of
Operations, Bangalore. By order dated 25.1.1985, she
was regularised in that post. However, as stated earlier,
by a subsequent order dated 24.3.1986 (Annexure E), the

P. Srinivasan

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order dated 25.1.1985 was cancelled. Since she had been regularised she did not take the Staff Selection Commission (SSC) examination. As a result of her reversion to the old ad hoc status, persons recruited as ad hoc LDCs after her and who had taken the SSC examination became senior to her. The applicant challenges the said order at Annexure E in this application on the ground that she was not given an opportunity of being heard before it was passed.

3. When the matter came up for hearing today, both Shri M.S. Nagaraj, learned counsel for the applicant and Shri M. Vasudeva Rao, learned counsel for the respondents inform us that the facts of this case and the issues raised in the present application are identical with those of Applications No. 599 & 600/1986 which were decided by this Tribunal by an order dated 29.10.1986. Both of them agree that since this application is covered by that order, a similar order may be passed here also. In those applications, this Tribunal, following the decision of the Supreme Court in State of Orissa vs Binapan, AIR 1967 SC 1269 held that the cancellation of an earlier order of regularisation of appointment without giving the official concerned an opportunity of being heard contravened the rules of natural justice and passed the following order:

"11. In the light of our above discussion, we hold that the impugned orders are liable to be quashed. We, therefore, quash the impugned orders. But this does not prevent the Director or any other competent authority from redoing the matters in accordance with law."


12. Applications are disposed of in the above terms. But in the circumstances of the cases, we direct the parties to bear their own costs."


P. S. Nagaraj

4. At this point, Shri M. Vasudeva Rao, counsel for the respondents, states that the services of the applicant as an ad hoc employee were terminated with effect from 17.11.1986 and that therefore the directions given in the order dated 29.10.1986 in applications No. 599 & 600 of 1986 cannot be carried out in the present case. As we have said earlier, the applicant was regularised as LDC by an order dated 25.1.1985 and her grievance is that this regularisation was cancelled by an order dated 24.3.1986 without giving her an opportunity of being heard, thereby violating the rules of natural justice. Since a similar order passed by the authorities was quashed by this Tribunal by its order dated 29.10.1986 extracted above, the impugned order in this case has also ^{to be cancelled and} necessarily the applicant's appointment ^{on regular basis} ~~is stand~~ revived. What happened after the order of 25.3.86 was passed will not affect this position. The applicant will be treated as a regular LDC from 25.1.86 till the date her services were terminated. It is therefore not necessary to pass a different order here from the one passed in Applications No. 599 & 600 of 1986.

5. In the result we pass the following order: The impugned order dated 24.3.1986 is quashed as violating the rule of natural justice with ^{liberty} ~~likely~~ to the Director or other competent authority to deal with the matter afresh in accordance with law.

6. The application is allowed as indicated above.


(CH. RAMAKRISHNA)
MEMBER (J)
21.11.86


(P. SRINIVASAN)
MEMBER (A)
21.11.86