

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 29TH OCTOBER, 1986

Present: Hon'ble Mr Justice K.S. Puttaswamy Vice Chairman

Hon'ble Mr L.H.A. Rego

Member (AM)

Application Nos. 599 and 600/86

D.S. Govinda Rao
No. Q-51-N.G. Block,
16th Cross, Malleswaram,
Bangalore-560 003.

(Applicant in A.No.
599/86)

Anantha Murthy,
No. 1003, I Main,
M.C.R. Layout,
Bangalore 560 040..

(Applicant in A.No.
600/86)

(Dr. M.S. Nagaraja Advocate)

Vs.

- 1) The Director of Census Operations in Karnataka, Bangalore-560 001. (Respondent 1 in A.No. 599/86)
- 2) The Registrar General of India, Ministry of Home Affairs, Government of India, New Delhi-1. (Respondent 2 in A.No. 599/86)
- 3) The Director of Census of Operations in Karnataka, No. 21/1, Mission Road, Bangalore-560 027. (Respondent 1 in A.No. 600/86)
- 4) The Registrar General of India, 2/A Mansingh Road, New Delhi-110 011. (Respondent 2 in A.No. 600/86)

(Shri M. Vasudeva Rao ... Advocate)

These applications have come up for hearing

before Court today, Vice-Chairman made the following:-

ORDER

As the questions that arise for determination in these cases are common we propose to dispose of them by a common order.

2. In these applications made under Section 19 of the Administrative Tribunals Act of 1985 (the Act), the applicants have challenged the respective orders

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made against them by the Joint Director of Census Operations in Karnataka, Bangalore (Director) on 24.3.1986 (Annexure 'F' in A.No. 599/86 and Annexure 'E' in A.No. 600/86).

3. The applicants were initially working in the Office of the Director of Census Operations in one or the other lower capacity.

4. On the basis of the availability of vacancies and other relevant factors, the applicants were appointed as Stenographer Group 'D' and Lower Division Clerk (LDC) respectively on different dates subject to certain terms and conditions. On 24.3.86, the Director had cancelled the previous appointment orders, made in favour of the applicants.

5. The applicants have urged that the orders made by the Director cancelling the previous orders made without issuing them show cause notices and affording them an opportunity to state their cases was in contravention of the principles of natural justice.

6. In justification of the orders made, the respondents have filed their replies.

7. Dr.M.S.Nagaraja, learned counsel for the applicants contends that the orders made by the Director on 24.3.86 without issuing to his clients show-cause notices and affording them an opportunity to state their case, were arbitrary and violative of the principles of natural justice. In support of his contentions, Dr. Nagaraja strongly relies on the ruling of the Supreme Court in State of Orissa Vs. Binapani AIR

1967 SC 1269.

8. Shri M. Vasudeva Rao, learned Additional Government Standing Counsel appearing for the respondents, in supporting the orders of the Director contends that as the applicants have not exhausted the legal remedies available to them under the service Rules this Tribunal should decline to interfere with the impugned orders.

9. In the orders challenged in the respective cases, the Director has cancelled the previous orders made in favour of the applicants. The assertion of the applicants that the latter orders were made by him without issuing them show-cause notices and affording them an opportunity to state their case is not denied by the respondents. Whatever may be the justification for the cancellation, with which we do not propose to address ourselves at any rate, at this stage, the action of the authority which resulted in serious civil consequences to the applicants, as held by the Supreme Court in Binapani's case, is in contravention of the principles of natural justice and cannot be upheld by us.

10. The fact that the applicants have not exhausted the legal remedies available to them, even assuming they were so available, does not disentitle this Tribunal from annulling the manifestly illegal order as in the present cases. We therefore see no merit in this contention of Shri Vasudeva Rao and we reject the same.

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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.


VICE CHAIRMAN


MEMBER (AM) (R)

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