

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE ELEVENTH DAY OF DECEMBER 1986

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

Hon'ble Shri L.H.A. Rego ... Member (A)

REVIEW APPLICATION NO. 13/86

The Director,  
Small Industries Service Institute,  
Industrial Estate, Gokul Road,  
Hubli. ... Applicant

(Shri M. Vasudeva Rao, Advocate)

V.

Smt. S.B. Dhanashetty,  
Lower Division Clerk,  
S.I.S.I., Gulbarga ... Respondent

(Shri H.W. Narayana, Advocate)

This Review Application came up for hearing before this Tribunal today. Hon'ble Member (J) made the following:

O R D E R

This is an application filed on behalf of the Respondents in Application No.1459/86 seeking a review of the order passed by us on 30.9.1986.

2. Shri M. Vasudeva Rao, learned counsel for the applicants submits that we directed in our earlier order to verify the actual date on which the respondent herein appeared for the SSCE and if they are satisfied that she had availed of all the three chances, no further action on the part of the applicant herein is required. According to Shri Vasudeva Rao there is no provision which confers on the respondent the right to appear thrice at the SSCE. According him three examinations should have been held in the years 1983, 1984 and 1985 but actually no examination could be held in the year 1984; that the respondent could not take the examination in 1983 because she had not joined service by then; that in 1985 she appeared at the examination but failed. In view of this she is not entitled to any more chances.

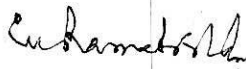
3. Shri K.S. Prakash, learned counsel for the respondent submits

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that if no examination was held in 1984 it was not due to the fault of his client and she should not, therefore, be penalised for not having got an opportunity in 1984 to appear for the examination.

4. We have considered the matter carefully. We are satisfied that there is force in the submission of Shri Prakash. We, therefore, direct the applicant to afford one more opportunity to the respondent to appear at the examination to be held by SSC. We further direct that until the aforesaid opportunity is afforded and the results of the examination are known, the respondent shall be retained in service.

5. The earlier order dated 30.9.1986 is modified on the lines stated above.



MEMBER (J)



MEMBER (A) 16.12.86

bsv

**In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore**

Smt S.B. Dhana Shetty

V/s

The Secretary, M/o Industries, New Delhi &  
A. No. 466 of 1988(F) 4 Ors

Order Sheet (contd)

Dr M.S. Nagaraja

M. Vasudeva Rao

Date	Office Notes	Orders of Tribunal
		<p>KSPVC/LHARM(A) 17.6.1988.</p> <p style="text-align: center;"><u>Order</u></p> <p>Applicant by Dr. M.S. Nagaraja.</p> <p>Respondents by Shri M. Vasudeva Rao.</p> <p>After the arguments were heard at some length, Dr. Nagaraja, in our opinion, very rightly, seeks leave to withdraw this application with liberty reserved to make a fresh application for modification of the order made on 11.12.1986 in R.A. No. 13 of 1987.</p> <p>Shri Rao opposes the prayer of Dr. Nagaraja.</p> <p>We consider it proper to grant the request of Dr. Nagaraja. We, therefore, dismiss this application as withdrawn by the applicant for the reasons stated above, with liberty reserved to pursue all <del>such</del> other legal remedies as are open to the applicant. Parties to bear their own costs.</p>

sd/-  
VICE CHAIRMAN  
dms. 17/6/88

sd/-  
MEMBER(A) 17.6.88

TRUE COPY

R.V. Venkatarao  
DEPUTY REGISTRAR (JULY 27/88)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

Copm 5/-

P.R.A No. 13/86

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REGISTERED

CENTRAL ADMINISTRATIVE  
BANGALORE BENCH  
\*\*\*\*\*  
TRIBUNAL

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 18 OCT 1988

IA IN REVIEW APPLICATION NO.

13

/86

W.P. NO.

Applicant(s)

Smt S.B. Dhana Shetty  
To

Respondent(s)

V/s The Secretary, M/o Industry, New Delhi & 4 Ors

1. Smt S.B. Dhana Shetty  
No. 820, Near Tirandaz Talkies  
Shahabad - 585 228
2. Dr M.S. Nagareja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009
3. The Secretary  
Ministry of Industry  
Udyog Bhavan  
New Delhi - 110 011
4. The Director  
Small Industries Service Institute  
Industrial Estate, Gokul Road  
Hubli - 30

5. The Deputy Director  
Small Industries Service Institute  
CI Industrial Estate  
Gulbarga - 585 102
6. The Development Commissioner  
Small Scale Industries  
Nirman Bhavan  
New Delhi - 110 011
7. The Secretary  
Staff Selection Commission  
Department of Personnel and  
Administrative Reforms  
CGO Complex, Lodhi Road  
New Delhi - 110 003
8. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~STAY~~ <sup>Review</sup> ~~INTERIM ORDER~~  
-passed by this Tribunal in the above said application(s) on 3-10-88.

Encl : As above

*Handwritten signature*  
SECTION OFFICER  
~~RECEIVED~~  
(JUDICIAL)

Date

Office Notes

Orders of Tribunal

LHARM(A)/CHRR(J)  
3.10.1988

Heard Dr.M.S. Nagaraja counsel for the applicant. In the Order dated 17.6.1988 passed by the Division Bench to which one of us (Hon'ble Shri L.H.A. Rego) was a party, it was observed as follows:

"We consider it proper to grant the request of Dr. Nagaraja. We, therefore, dismiss this application as withdrawn by the applicant for the reasons stated above, with liberty reserved to pursue all other legal remedies as are open to the applicant. Parties to bear their own costs."

2. Pursuant to the above, the applicant has filed a Miscellaneous Application on 21.9.1988 citing reference to Applications Nos.1459 & 1609 of 1986.

3. Applications Nos. 1459 & 1609 of 1986 were already disposed of on 30.9.1986 and the Review Application No. 13/86 thereon was disposed of on 11.12.1986 with the following observations:

"We have considered the matter carefully. We are satisfied that there is force in the submission of Shri Prakash. We, therefore, direct the applicant to afford one more opportunity to the respondent to appear at the examination to be held by SSC. We further direct that until the aforesaid opportunity is afforded and the results of the examination are known, the respondent shall be retained in service."

4. The above applications and the review application filed in 1986 have thus received a quibus in 1986. The present application has been filed, as already stated, pursuant to the Order dated 17.6.'88 styling as an Interlocutory Application on the applications already disposed of in 1986. Dr. Nagaraja submits that the present application has been filed as a sequel to the order of this Tribunal dated 30.9.1986. If so, the correct procedure would be to file another application without



Date	Office Notes	Orders of Tribunal
		<p>any reference to the applications already disposed of.</p> <p>5. Dr. Nagaraja seeks time upto 5.10.1988 to file an application as above and therefore seeks permission to withdraw the present application. He is permitted to do so. The application is disposed of in the above terms. No order as to costs.</p>

Sd/-  
M(A)

3.7.88

Sd/-  
M(J)<sup>P</sup> 10.88



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SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE