

Registered A/D

INTERIM ORDER

By Regd. Post/A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

.....
2nd Floor, Commercial Complex (BDA)
Indiranagar, Bangalore-38.

On Tuesday, the 15th day July, 1986

Present

The Hon'ble Member (Judi) : Shri Ch. RamaKrishna Rao

and

The Hon'ble Member (Admn) : Shri L.H.A. Rao

in

Application No. 1459/86(F)

Smt. S.B. Dhanashetty,
Near Tirandaty Talkies,
Shahabad-585 228, (Gulbarga Distt.) Applicant

Versus

1. Union of India,
Ministry of Industry,
New Delhi.

2. The Deputy Director,
Small Industries Services Institute,
Industrial Estate,
Gokul Road, Hubli-50.

.... Respondents

ORDER

In the above application, this Tribunal has passed
the following order:-

"Shri K.S. Prakash, advocate for the Applicant present.

After perusing the records and hearing Shri Prakash the
Application is admitted.

Shri Prakash prays that interim relief of the operation
of the impugned order dated 26.6.86 may be granted since his
client apprehends that her services may be terminated at any time
as the period of 10 days stipulated in the Memorandum has expired.
We are satisfied that this is a fit case for dispensing with the
requirements of Section 24(a) and (b) of the Administrative
Tribunals Act, 1985. We accordingly do so and grant interim stay
for 14 days. Let notice be issued to the Respondents returnable
in 14 days.

The Application will be listed for further orders on
30.7.86."

Given under my hand and the seal of this Tribunal, this
17th day of July, 1986.



17/19
Registrar.

P.T.C.

REGISTERED, A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Application No 1459/86(F)
Application No 1609/86(F)

Commercial Complex(BDA),
Indiranagar,
Bangalore-560038

Dated the 14th October '86

Smt. S.B.Dhanashetty
Near Tirandaty Talkies,
Shahabad-585228 (Gulbarga Dist.)
(Shri K.S.Prakash, Advocate)

Applicant in A.No.1459/86(F)

Smt. S.B.Dhanashetty
Address as above
(Shri K.S.Prakash, Advocate)

Applicant in A.No.1609/86(F)

Versus

1. Union of India, Ministry of Industry
New Delhi-1.
2. The Deputy Director, Small Industries -
Services Indusitute, Industrial Estate,
Gokul Road, Hubli-30. .. Respondents.

3) The Director (Shri M. Vasudeva Rao, Advocate)

Small Industries Services Institute

Industrial Estate Subject:- SENDING COPIES OF ORDER PASSED BY THE BENCH
Gokul Road, Hubli (R.2 in A.No.1609/86(F) *****)
IN APPLICATION NO 1459/86(F) AND 1609/86(F)

4) Union of India for

Development - Please find enclosed herewith the copy of the Order/
Interim Order passed by this Tribunal in the above said Applications
on 30.9.1986.

Small Scale Industries

Ministry of Bharat, N. Delhi-11 (R-1 in
A.No.1609/86(F))

R. Shy
(N RAMAMURTHY)
SECTION OFFICER
(JUDICIAL)

Encl: A-s above

1. Shri S.B.Dhanashetty
C/O Shri K.S.Prakash
14, Sunkalpet Main Road,
Bangalore - 560002.

2. Shri M. Vasudeva Rao
Addl. Central Govt. Standing
Counsel, High Court of Karnataka
Building, Bangalore-1.

Shy
Advocate for
Applicants.

Shy
Advocate for
Respondents.

Issued
15/10

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

Order Sheet (contd)

A.No. 1A59/86(F)

D.No. 1609/86(F)

Date	Office Notes	Orders of Tribunal
		<p>Shri K.S. Prakash, learned counsel for the applicant states that his client is entitled to three opportunities for appearing at the SSCE but actually she has availed only one chance and in view of this, the termination of the services of his client is unlawful. The respondents have not categorically stated in the Memo filed by them as directed by us that the applicant had availed of all the three chances. Reliance is placed by Shri Vasudeva Rao ^{on} para 4 of the O.M. extracted above, wherein mention was made that it was the final examination for regularisation of <u>ad hoc</u> employees. This statement does not put the matter beyond doubt since a final chance in the case of one candidate need not necessarily be the final chance in the case of another.</p> <p>In view of this doubt which lingers in our mind we direct the respondents to verify within 15 days of receipt of this order, the actual dates on which the applicant appeared for the SSCEs and if they are satisfied that she had availed of all the three chances no further action on their part is required. If, however, on verification the position appears differently, the respondents should forthwith reinstate the applicant in the post earlier held by her and her seniority restored <u>status quo ante</u>.</p> <p>Final action taken by the respondents shall be intimated to the Registry of this Bench on or before 31-10-1986.</p> <p><i>True Copy</i></p> <p><i>R. Shyamala</i> 14/10/86 SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p> <p><i>L.H.A. Rao</i> Member(A) 30-9-1986</p> <p><i>Ch. Ramakrishna Rao</i> Member(J) 30-9-1986</p>

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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

Dated : 30 DEC 1986

Review

Application No.

13

186()

W.P. No

For Ands 1609 & 1459/86 (L)

Applicant

The Director S.I.S.I,

To

VS - Smt S. B. Dhanashetty

4) Sri H. N. Narayana,
Advocate

No 85, Kumar Park
Bangalore - 20

1) The Director Small Industries
Service Institute, Industrial
Estate, Lakul. Road Hubli

2) Sri. N. Vasudeva Rao.
Central Govt. Legal Counsel
High Court Build. Bangalore 1

3) Smt S. B. Dhanashetty
Lower Division Clerk
Small Industries Service Institute
Gulbarga.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN
Review APPLICATION NO. 13/86

Please find enclosed herewith the copy of the Order/Interim Order
passed by this Tribunal in the above said Application on 12/12/86.

Encl : as above.

R. Jay
SECTION OFFICER
(JUDICIAL)

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30/12*

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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.N. Narayana, Advocate)

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

ORDER

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 to 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



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 30.5.1986 is modified on the lines stated above.

- Sd -

MEMBER (D)

- Sd -

MEMBER (A) *[Signature]*

bsv

"True copy"

Rehilly 30/12/86
SECTION OFFICER
CERT. OF AGENT FOR THE TRIBUNAL
ADDITIONAL BENCH
MANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

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

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

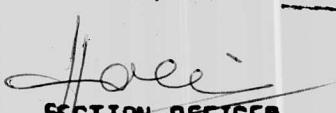
Respondent(s)

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

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, Lodi 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/REVIEW ORDER
passed by this Tribunal in the above said application(s) on 3-10-88.


SECTION OFFICER
REVIEW ORDER
(JUDICIAL)

Encl : As above

Smt S.B. Dhana Shetty
Dr M.S. Nagaraja

v/s

R. No.13/86

The Secretary,
M/o Industry &
M. Vasudeva Rao

Date	Office Notes	Orders of Tribunal
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LHARM(A)/CHRKR(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 Appli-
cation 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 *quitus 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> <p>Sd/- M(A) 2.7.88</p> <p>Sd/- M(J) 2.7.88</p> <p>TRUE COPY</p> <p>Jalle SECTION OFFICER (P.U.) CENTRAL Al-</p>