

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

.....

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

On Tuesday, the 15th day July, 1986

Present

The Hon'ble Member (Judl) : Shri Ch. Ramakrishna Rao

and

The Hon'ble Member (Adm) : 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-30.

.... 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.



Registrar.

1247
P.T.C

Immediate

REGISTERED, A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore-560038

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

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~~ Director (Shri M. Vasudeva Rao, Advocate)

Small Industries Service Institute
Industrial Estate Subject:- SENDING COPIES OF ORDER PASSED BY THE BENCH
Gokul Road, Hubli (R-2 in A No. 1609/86(F) AND 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
Commissioner on 30.9.1986.
Small Scale Industries
Narasimha Bhavan, N. Delhi-11 (R-1 in
A. No. 1609/86(F))

Encl: A-s above

(N RAMAMURTHY)
SECTION OFFICER
(JUDICIAL)

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

Advocate for
Applicants.

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

Advocate for
Respondents.

Recd
15/10
Issued
15/10

15/10/86

Date

Office Notes

Orders of Tribunal

1.9.86

30-9-1986

11/10/86

- (1) Appln.No.1459/86(F) and
- (2) Appln.No.1609/86(F)

In the Memorandum issued by the Deputy Director of Small Industries Service Institute(SISI), Bhubli, Annexure B to application at Sl.No.1, the applicant, an ad hoc LOC was called upon to intimate to the office whether she had passed the qualifying examination. It was also said in the aforesaid Memo that if no reply was received within 10 days, the services of the applicant would stand terminated.

The stand taken by the respondents in their reply to the application is that an Office Memorandum was issued on 28-2-1985 wherein it was stated :

" Para 4


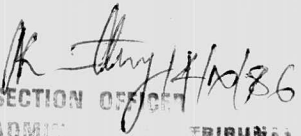
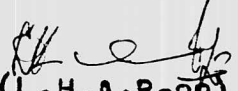
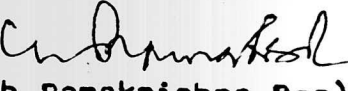
This is the final examination to be held by the Staff Selection Commission for regularisation of the services of ad hoc employees and the services of ad hoc employees who fail to qualify in the aforesaid special examination or are ineligible to take it should be terminated forthwith after the results of the said examination are declared."

It is further stated in the aforesaid reply (statement of objections) that the applicant could not be regularised since she failed to qualify herself in the Staff Selection Commission Examination (SSCE).

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

Order Sheet (contd)

A.No. 1459/86(F)
2
A.No. 1609/86(F)

Date	Office Notes	Orders of Tribunal
	<p align="center">  <i>True Copy</i>  SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE </p>	<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 to para 4 of the O.M. extracted above, wherein mention ^{has} been made that it was the final examination for regularisation of ad hoc 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 align="center">  (L.H.A. Rego) Member(A) 30-9-1986 </p> <p align="center">  (Ch. Ramakrishna Rao) 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 /86()

W.P. No

IN ANOS 1609 & 1459/86 (L)

Applicant

The Director S.I S.I,

To

-VS- Smt S. B. Dhanasheetty

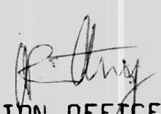
- 1) The Director Small Industries
Service Institute, Industrial
Estate Gokul Road Hubli
- 2) Sri M. Vasudeva Rao.
Central Govt Standing Counsel.
High Court Build. Bangalore 1
- 3) Smt S. B. Dhanasheetty.
~~Lower Division Clerk~~
Small Industries Service Institute
Gulbarga.

4) Sri H. N. Narayana,
Advocate.
No 85, Kumar Park Road
Bangalore - 20.

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.


SECTION OFFICER
(JUDICIAL)

Balu*

20/12

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)

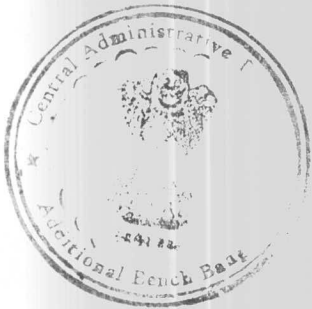
This Review Application came up for hearing before this Tribunal today. Hon'ble Member (J) made the following:

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



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.



- Sd -

MEMBER (J)

- Sd -

MEMBER (A)

bav

" True copy "

30/12/86
SECTION OFFICER
CENT. AD. TRIB. BANGALORE
BANGALORE

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

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. Nagaraja
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/INTERIM ORDER
passed by this Tribunal in the above said ^{Review} application(s) on 3-10-88.

Jee
SECTION OFFICER

~~DEPUTY REGISTRAR~~
(JUDICIAL)

Encl : As above

Smt S.B. Dhana Shetty

v/s

R. No.13/86

The Secretary,
M/o Industry &
M. Vasudeva

4 Ora
Rao

Dr M.S. Nagaraja

Date	Office Notes	Orders of Tribunal
		<p><u>LHARM(A)/CHIKR(J)</u> 3.10.1988</p> <p>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:</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 other legal remedies as are open to the applicant. Parties to bear their own costs."</p> <p>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.</p> <p>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:</p> <p>"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."</p> <p>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</p>



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) 2.7.88 Sd/- M(J) 10.88

TRUE COPY

Jalee
SECTION OFFICER
CENTRAL