

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Registered A/D
Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

THESDAY, THE 29TH OF JULY 1986

PRESENT

THE HON'BLE MEMBER(JUDICIAL) : SHRI CH. RAMAKRISHNA RAO

THE HON'BLE MEMBER(ADMINISTRATIVE) : SHRI L.H.A. REGO

IN

APPLICATION NO. 1609/86(F)

Smt S.B. Dhana Shetty, ~~the~~ LDC,
SISI Branch, Gulbarga and that her
Counsel Shri H.N. Narayan, Advocate,
No. 85, Kumara Park West,
Bangalore.

: Applicant

VERSUS

1. Union of India by the Development Commissioner,
Small Scale Industries, Nirman Bhavan, New Delhi.
2. The Director, Small Industries Service Institute,
Industrial Estate, Gokul Road, Hubli,
3. The Deputy Director, Small Industries
Service Institute, Industrial Estate,
Gokul Road, Hubli. : Respondents

O R D E R

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

"Shri H.M.Narayan, Advocate present for the Applicant. The application is admitted. Shri Narayan requests that interim stay of the operation of the impugned order i.e. memorandum dated 11-7-86 issued by the Deputy Director, I/c SISI, Hubli may be granted. It is stated in this memo that the services of the Applicant shall stand terminated from 14-7-86(AN). As the aforesaid date has already elapsed, we are not sure how far the interim order would be ~~effective~~ effective. However, Shri Narayan states that his client who is present in court states that she has been attending office even subsequent to 14-7-86 and SSC nominee has not so far joined. Counsel therefore submits that the interim stay may be granted.

Taking into account the facts and circumstances of the case, we are satisfied that this is a fit case for dispensing with the requirements of clauses (a) and (b) of Section 24 of the Central Administrative Tribunals Act, 1985. We therefore, direct that interim stay of the memo dated 11-7-86 provided (i) the Applicant has not yet been relieved; and (ii) No SSC nominee has so far joined.

Let notice issue to the Respondents returnable in
15 days. Post on 12.8.86 for further orders".

Given under my hand and the seal of this Tribunal,
this 29th day of July, 1986.



O/c *Devi* 29-7-86
REGISTRAR

Received my copy -

on 29-7-86.

S.B. Shethety
(S.B. DHANSHETTY) Applicant

Received
30/7/86

S.B.
Shethety

CENTRAL ADMINISTRATIVE TRIBUNAL Registered A/D
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Application No 1609/86(F)

Dated the 25th August, 1986

To

Smt S.B Dhanashetty,
Lower Division Clerk,
Branch, Small Industries Service Institute,
Gulbarga.

Shri H.N. Narayana, Advocate,
9, New No 65, 1st Block,
Kumarapark West, Rly. Parallel Road,
Bangalore - 560 020

Subject: SENDING COPIES OF ORDER PASSED BY THIS
BENCH ON 20-8-86 IN APPLICATION NO 1609/86(F)

Please find enclosed herewith the copy of the Order
passed by this Bench of the Tribunal on 20-8-86 in the
abovesaid application. Please note that no further adjournment
will be granted. If you fail to appear before the Court on
1-9-86, the case will be decided ex-parte.

R. H.
Section Officer
(Judicial)

SJS
pt. issue fair

R.

Issued
M
25/8/86

ORDER PASSED BY THE CENTRAL ADMINISTRATIVE
TRIBUNAL, BANGALORE BENCH ON 20-8-86 IN
APPLICATION NO 1609/86(F). SMT S. B. DHANA
SHETTY VERSUS U.C.I. BY THE DEVELOPMENT
COMMISSIONER, SMALL SCALE INDUSTRIES, N. DELHI
AND OTHERS.

"None present for the applicant. Shri M. Vasudeva Rao
Advocate, present for the Respondent.

It is noted that this matter was last adjourned to
13-8-86 at the request of the counsel for the applicant.
But he was not present on that day. Today also he is not
present. In view of this Shri Vasudeva Rao requests that
the application may be disposed of in the absence of the
Counsel for applicant. However, we consider that in the
interest of justice a last chance may be given. We,
therefore, direct the Registry to send the notice fax
by Registered Post A.D. both to the counsel for the
Applicant and the applicant for the next date of hearing
which we fix on 1-9-86. The applicant to note that no
further adjournment will be granted and if the applicant
is not represented on that date the matter will be decided
on the basis of records.



Sd/-
(B.H.A. Rao)
Member (AM)
20-8-86

Sd/-
(Ch. Remakrishna Rao)
Member (JM)
20-8-86

-True Copy-

R. Shetty
268/86
SECTION
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

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 Service Institute

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

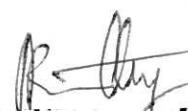
4) Union of India for

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

Small Scale Industries

Nizamuddin Bharav, N. Delhi-11 (R-1 in

A. No. 1609/86(F))


(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.

Advocate for
Applicants.

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

Advocate for
Respondents.

Copied to:- File of A. No. 1609/86(F)

Date	Office Notes	Orders of Tribunal
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~~1.9.86~~

30-9-1986

(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), Bubli, Annexure B to application at Sl.No.1, the applicant, an ad hoc LDC 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" Page 1 of 1

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. 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 to 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. H. A. Rego</i> SECTION OFFICE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p> <p><i>L. H. A. Rego</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

/86()

W.P. No

In A.N.O's 1609 & 1459/86(F)

Applicant
The Director S.I.S.I,

-VS- Smt S.B. Dhanashetty

To

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

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

2) Sri. M. Vasudeva Rao.
Central Govt. Standing counsel.
High Court Bld. Bangalore 1

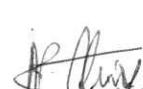
3) Smt S.B. Dhanashetty
Lower Division Clerk
Small Industries Service Institute
Gulbarga.

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.


SECTION OFFICER
(JUDICIAL)

Balu*


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30/12

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:

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 SEC. 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) *✓ 10/12/86*

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"True copy"

Ratty 30/12/86
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
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

V/s

Respondent(s)

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

1. Smt S.B. Dhana Shetty
No. 820, Near Tirandez Talkies
Shahabad - 585 228

2. Dr M.S. Negareja
Advocate
35 (Above Hotel Swagath)
Ist 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, 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/~~STAY~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 3-10-88.

Review


SECTION OFFICER
XXXXXXRXXXXX
(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

4 Ora
Rao

Date	Office Notes	Orders of Tribunal
		<p><u>LHARM(A)/CHRK(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 quittus 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) 2-10-88

Sd/-
M(JY) 2-10-88

TRUE COPY

[Signature]
SECTION OFFICER 1816
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE