Registered

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION Nos 1784 to 1789/86(F)

(WP.NO.

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED:

APPLICANT

N. Ram Shankar & ors.

Vs

RESPONDENTS

No. 1 by Secy. Health & family welfare Services N.D & ors.

TO

(1) Sri N. Ram Shankar, Field Investigator, N.T.I., Bangalore, R/o No. 32, 4th Block, Kumara park west, Bangalore.

(2) Sh. K. Shankarappa, Group 'D', N.T.I. Bangalore, R/o No. 8004, Mangalvanpet, Channapatna Taluk, Bangalore Distt.

(3) Sh. N.S. Shashidhar, Field Investigator, Epidemiological section National Tuberculosis Institute, No. 8 Bellary Road, Bangalore-3, R/o No. 1358, 9th Main Road, Vijayanagar, Bangalore-40.

(4) Sh. K.S. Gopalakrishna Iyenger, Group 'D', N.T.I, B'lore, Kote Kodanda Ramaswamy Temple, K.R puram, Bangalore-36.

(5) Shri L. Yashodaran, Group 'D' N.T.I B'lore, Horamavu Agara, Horamavu post, Bangalore 43.

(6) Sh. M. Shankarappa, Group 'D' N.T.I B'lore, No. 44, 20th Main, 1st Cross, Siddappa Garden, Narenahally, Bangalore 40.

(7) Union of India rep. by the Secretary, Health & family welfare Services, New Delhi

(8) The Director-General of Health Services, Govt. of India, New Delhi.

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE BENCH IN APPLICATION NOS 1784 to 1789/86 (F)

....

Please find enclosed herewith the copy of the Order passed by this Tribunal in the above said Application on 25-3-87.

B.V. Venkatadri
DEPUTY REGISTRAR
(JUDICIAL)

ENCL: As above.

P.T.O.

(9) The Director,
NTI, No.8, Bellary Road,
Bangalore-3.

(10) Sh. M. Narayana Swamy, Advocate,
No. 84H (Upstairs) VIth Block,
Rajajinagar, Bangalore-560010.

(11) Smt. M.S. Padmarajaiah,
Sr. Central Govt. Standing Counsel,
High Court Buildings,
Bangalore-1.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE.

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

and

Hon'ble Mr. P. Srinivasan, Member (A).

DATED THIS THE TWENTY FIFTH DAY OF MARCH, 1 9 8 7.

Application Nos. 1784 to 1789 of 1986.

1.N. Ravi Shanker, Field Investigator.	N.T.I. Bangalore.	Applicant in	A.No.1784/86.
2.K. Shankarappa, Group 'D'.	"	"	1785/86.
3.N.S. Shashidhar, Field Investigator.	"	"	1786/86.
4.K.S. Gopalakrishna Iyenger, Group 'D'.	"	"	1787/86.
5.L. Yashodaran, Group 'D'	"	"	1788/86.
6.M. Shankarappa, Group 'D'	"	"	1789/86.

~~X~~x vs.

Union of India,
rep. by its Secretary,
Health & Family Welfare Services,
New Delhi.

2. The Director-General
of Health Services,
Govt. of India,
New Delhi.

3. The Director,
NTI, No.8, Bellary Road,
Bangalore-3, ...Respondents.

These cases having come up for hearing today, Hon'ble 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. At the city of Bangalore, there is an Institute called National Tuberculosis Institute ('NTI'), maintained by Government of India, inter-alia, engaged in conducting research in medicine and allied subjects.

3. On 30.9.1982, the Indian Council of Medical Research, New Delhi, ('ICMR') sanctioned a project for conducting research on Tuberculosis Longitudinal Survey ('TBLS') and in connection with the same, applicants in A.Nos. 1784 and 1786 of 1986, and 1785, 1787 to 1789 of 1986 were appointed as Field Investigators and Group-D officials respectively on different dates. From the dates of their appointments, the applicants were working in their respective capacities. On 22/24.9.1986, the Director of NTI ('the Director'), by separate, but identical, orders made, had terminated the services of the applicants w.e.f. 31.10.1986 AN. In these applications made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act'), the applicants have challenged their terminations made by the Director.

4. The applicants have urged that they had been appointed against the sanctioned posts of NTI and not

against a temporary project of ICMR, and their terminations were unjustified and illegal.

5. In their common reply, the respondents have asserted that the TBLS was a temporary project and the applicants had been appointed only against the posts sanctioned with that project, that stood abolished from 31.10.1986, for which reason only, their services had been terminated, which was inevitable, legal and valid.

6. Shri M. Narayanaswamy, learned counsel for the applicants, contends that his clients had been appointed against posts sanctioned to the establishment of NTI and not against the temporary posts of TBLS sanctioned by ICMR and their terminations were unjustified and illegal. In support of his contention, Shri Swamy strongly relies on a Division Bench ruling of the Himachal Pradesh High Court in BANSI RAM v. STATE OF HIMACHAL PRADESH (1974(1) SLR page 358).

7. Shri M.S. Padmarajaiah, senior Central Government Standing Counsel, appearing for the respondents, has sought to support the orders of the Director.

8. In the offers of appointment issued to the applicants (Annexure-B in A.No. 1784/86), there is no specific reference to the ICMR project of TBLS. But in the orders of appointment issued to the applicants, the Director had specifically stated that he was appointing them against the TBLS Scheme of ICMR project. On the very terms of appointment orders, it is difficult to hold

that the applicants had been appointed against the posts sanctioned to the establishment of NTI and not against the temporary posts sanctioned for the TBLS Scheme of ICMR. Every one of the documents produced by both sides and in particular by the respondents before us, establish this fact only.

9. The TBLS Scheme of ICMR was sanctioned only till 31.10.1986. With that, the posts sanctioned stood abolished and the applicants appointed on ~~the~~ temporary basis lost all their rights to continue. On this development, the orders of terminations made by the Director cannot be interfered by us at all, vide M. RAMANATHA PILLAI v. STATE OF KERALA (1973 SCC(L&S) 560). Even if the posts had been sanctioned to the establishment of NTI, then also the same will not make any difference, as all that happens is that Government had abolished the posts from 31.10.1986 leaving no option in the matter to the Director.

10. In BANSI RAM's case, the Himachal Pradesh High Court, in dealing with the reversion of Bansiram, from a higher post to a lower post, explained the meaning of the term 'ad-hoc', and the same does not really bear on the point.

11. On the foregoing discussion, we see no merit in the contention of Shri Swamy and we reject the same.

12. The terminations of the applicants had caused them hardship and we cannot come to their succour. Shri Padmarajaiah tells us that on the termination of the applicants, the Director had written to the Employment Exchangesto restore their original dates of registration in those exchanges. We do hope and trust that every effort will be made by all the authorities to rehabilitate the applicants in alternative jobs.

13. In the light of the foregoing discussion, we hold that these applications are liable to be dismissed. We, therefore, dismiss these applications. But in the circumstances of the cases, we direct the parties to bear their own costs.

Sd/-

VICE CHAIRMAN

25/3/87

'True Copy'

Sd/-

MEMBER (A)

23/3/87

B. V. Venkatadri

DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

dms.