

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE TENTH DAY OF SEPTEMBER, 1986

Present : Hon'ble Justice K.S. Puttaswamy .. Vice-Chairman
Hon'ble Shri P. Srinivasan .. Member(A)

Transferred Application No.357/86

Dr. Abdul Rashid Ali Patel,
S/o Ali Bai Patel,
Junior Medical Officer,
Beedi Workers' Welfare Fund Hospital,
Mysore.

.. Applicant

(Shri M.S. Ananda Ramu .. Advocate)

Vs.

1. The Union of India by the
Secretary to the Government
of India, Ministry of Health
and Family Welfare,
New Delhi.

2. The Welfare Commissioner,
Government of India,
Ministry of Labour,
Welfare Organisation,
No.75, Millers Road,
Bangalore - 560 052.

.. Respondents

(Shri M. Vasudeva Rao .. Advocate)

The application has come up for hearing before Court today,
Vice-Chairman made the following:

O R D E R

Applicant and his learned counsel Shri M.S. Ananda Ramu for
Shri K. Subba Rao, present. We have heard Shri Ananda Ramu for
the applicant and Shri M. Vasudeva Rao learned additional Standing
Counsel for Central Government for the respondents.

2. In this transfer application from the High Court of Karnataka,
the applicant has challenged order No.2(1)5/C1/80 dated 23.8.1980
(Annexure C) made by the Welfare Commissioner, Labour Welfare
Organisation, Bangalore.

3. On completing his medical education, the applicant was appointed
as Junior Medical Officer in the Ministry of Health, Government of

India, on an ad hoc basis. In his order dated 23.8.1980 the Welfare Commissioner, has terminated the services of the applicant with effect from the date of his relief. On 28.8.1980 the applicant approached the High Court of Karnataka challenging the said order of the Welfare Commissioner on a large number of grounds with a prayer for stay. On 29.8.1980 the High Court of Karnataka while issuing rule nisi stayed the operation of the said order. The stay has continued ever since then.

4. In their statement of objection filed before the High Court of Karnataka which has to ^{be} treated as their reply before this Tribunal, the respondents have justified the impugned order.


5. Before the High Court of Delhi one Dr. P.P.C. Rawani had challenged a similar order in civil writ petition No. 1144/83. On 3.8.1984 that High Court rejected the said writ petition with observation that the case of that petitioner for regularisation should be considered by the Administration sympathetically. Aggrieved by the said order of the Delhi High Court Dr. Rawani approached the Supreme Court, which while admitting the special leave petition had stayed a similar order with a direction "that the department should consider regularisation of ad hoc appointees at an early date". We are informed by both sides that the said matter is still pending before the Supreme Court. We are also informed that in pursuance of the observations made in Dr. Rawani's case by the Delhi High Court and the Supreme Court, the case of the applicant and others for regularisation is under the active consideration of Government. Till those matters are decided by the Supreme Court or by the Government whichever is earlier, we consider it proper to direct the respondents to continue the applicant in the post held by him and then only modulate their decision on that basis only.

6. In this view, we consider it unnecessary to examine the merits of the contention urged by both sides. We accordingly issue a direction to the respondents to continue the applicant in the post held by him

and then to modulate their decision on the basis of the order of the Supreme Court in Dr. Rawani's case or Government whichever is earlier.

7. Application is disposed of in the above terms. But in the circumstances of the case we direct the parties to bear their own costs.


VICE CHAIRMAN


MEMBER (A)

bsv

By Regd. Post

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Application No. 357/86 (T)
[W.P. 17039/86]

Dated the 16^{Oct} Sept 86.

To

1. Sri. M.S. Ananda Ramu, Advocate for applicant,
NO.128, Cubbonpet Main Road, Bangalore-560002
 2. Secretary to Govt of India, M/o Health and
Family Welfare, New Delhi
 3. Welfare Commissioner, Govt of India, M/o Labour,
Welfare Organisation, NO.75, Millers Road,
Bangalore-560052
 4. Sri. M. Vasudev Rao Central Govt Standing Counsel,
High Court Building Bangalore
- Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH
IN APPLICATION NO. 357/86(T)

Please find enclosed herewith the copy of the Order/Interim Order
passed by this Tribunal in the above said Application on 10th September 86

Encl: As above.

SECTION OFFICER
(Judicial)

Received
[B.R. Kumaraswamy]
21/10/86

21/10/86

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Sd/-
VICE CHAIRMAN

Sd/-
MEMBER (A)

True Copy

R. Singh 16/10/86
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIAL CLERK
BANGALORE

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