

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THE TWENTYSECOND OCTOBER 1986

Present: Hon'ble Shri Ch. Ramakrishna Rao ... Member (J)

Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATION NO.828/86(T)

Smt. Usha Ramachandran,
Lower Division Clerk, Office of the
Executive Engineer, Southern Gauging
Division, Central Water Commission,
No.5, B.P.Wadia Road,
Bangalore-4

... Applicant

(Shri Ranganath Jois, Advocate)

Vs.

1. Central Water Commission,
Ministry of Agriculture & Irrigation,
Government of India, New Delhi,
represented by its Secretary.
2. The Superintending Engineer,
Central Water Commission,
Investigation Circle No. II,
Faridabad, Haryana.
3. The Superintending Engineer,
Central Water Commission,
Hydrological-OBS & FF(S) Circle,
Hyderabad-4 (A.P)
4. The Executive Engineer,
Southern Gauging Division,
Central Water Commission,
B.P.Wadia Road, Bangalore-4.
5. Sri R.C.Acharjee, Lower
Division Clerk, Tipaimukh
Investigation Circle, Central Water
Commission, Shillong.
6. Sri N. Jethilingam, Lower Division
Clerk, Investigation Circle No.1,
Faridabad, Haryana.
7. Miss Usha Kumari Rudramma,
Lower Division Clerk, C/O The
Superintending Engineer, Central
Water Commission, Hyderabad-4 (A.P) ... Respondents.

(Shri N.Basaraju, Advocate)

This application came up before the Court for hearing
today. Hon'ble Member (A) made the following:

ORDER

The applicant was working as an ad hoc Lower
Division Clerk in the office of the Central Water Commission
at Bangalore when she was served a notice dated 5-5-1981 that

P. Srinivasan

her services would stand terminated after the expiry of a period of one month from that date. It appears that after the notice period expired, her services were not actually terminated, but she was retained till 9-11-1981 and on that date she was relieved. Shri Ranganath Jois, learned counsel for the applicant, contends that in the first place, her services should not have been terminated because Respondents 5 and 6 who were junior to her were continued. In the second place, he urges that since she was not relieved from service on the expiry of the notice period and she was continued in service thereafter, she should not have been relieved from service without another notice of one month.

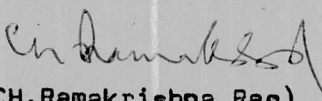
As mentioned earlier, the applicant was relieved at on 8-11-1981 i.e. five years ago and she was ^{at} that time an ad hoc appointee whose services could be terminated ^{at} any time. She had, strictly speaking, no right to continue in the post. The only point made in her favour was that two persons who joined in the same post of temporary Lower Division Clerk after her, had been retained and the principle of "last come first go" has not been followed. Of the two respondents, to whom reference has been made in the petition, viz. respondents 5 and 6, we find that respondent 6 was regularised in service from August 1978. Since he became regular before 1980, and the applicant for some reason or the other had not been made regular, we cannot say that the services of respondent No.6 should have been terminated and not of the applicant. So far as respondent No.5 is concerned, neither the applicant nor the respondent is able to give us full particulars as to where he was working in 1981 when the applicant was relieved. In any case five years after the event, we do not want to disturb the settled order of things which we have to do if the applicant's request for restoration is upheld. Considering that she was only an ad hoc temporary appointee and her services were liable to be terminated when regular


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appointees become available, we do not think it appropriate at this stage to accede to her request.

In the view we have taken, the application is dismissed. However, before parting with this matter, we must make a reference to an application made by the applicant to the High Court of Karnataka (IA-I) on 31-10-1984 wherein a letter dated 8-6-1984 of the Government of India, Department of Personnel & Administrative Reforms, is quoted whereby it had been decided to regularize all appointments made before 4-11-1978. Along with this application, the applicant attached a letter dated 29-6-1984 said to have been written by the Executive Engineer to the Superintending Engineer, Hydrological Observation & FF(S), Circle, Central Water Commission, Hyderabad, recommending that the applicant be considered for absorption in his office in a vacancy likely to arise in the near future. In making this recommendation, the Executive Engineer refers to the Government of India's letter dated 8-6-1984 and the experience gained by the applicant when she was earlier working in that office. Shri Basavaraju, learned counsel for the respondents stated before us that he would recommend to the authorities that they should consider giving the applicant a fresh appointment in view of her earlier experience. We hope the authorities will view the matter sympathetically and if possible give her a fresh appointment.

The application is dismissed subject to the observation made above.


(CH. Remakrishna Rao)
Member (J)


(P. Srinivasan)
Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION No. 4/87
in Application No. 828/86(T)
(WP.NO.)

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

DATED: 10-4-87

APPLICANT

Vs

RESPONDENTS

Smt Usha Ramachandran

The Secy, M/o Agriculture & Irrigation
and Ors

TO

- | | |
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| <p>1. Smt Usha Ramachandran
L D C
Office of the Executive Engineer
Southern Gauging Division
Central Water Commission
No. 5, BP Wadia Road
Bangalore - 560 004</p> <p>2. Shri H.S. Jois
Advocate
150/36, National High School Road
Bangalore - 560 004</p> <p>3. The Central Water Commission
Ministry of Agriculture and
Irrigation, Govt. of India
New Delhi-110 001</p> <p>4. The Superintending Engineer
Central Water Commission
Investigation Circle No. II
Faridabad, Haryana</p> | <p>5. The Superintending Engineer
Central Water Commission
Hydrological OBS & FF(S) Circle
Hyderabad - 4 (A.P.)</p> <p>6. The Executive Engineer
Southern Gauging Division
Central Water Commission
No. 5, B.P. Wadia Road
Bangalore - 560 004</p> <p>7. Shri R.C. Acharjee
L D C
Tipiamukh Investigation Circle
Central Water Commission
Shillong</p> <p>8. Shri N. Jothilingam
L D C
Office of the Executive Engineer
Southern Rivers Division
Central Water Commission
50K, Nehru Street
Ram Nagar, Coimbatore - 641009</p> |
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SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 4/87

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Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on

19-3-87.

ENCL: As above.

9. Miss Usha Kumari Rudramme
L D C
C/o The Superintending Engineer
Central Water Commission
Hyderabad - 4

10. Shri N. Basavaraju
Advocate
High Court Buildings
Bangalore - 560 001

[Signature]
for DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
BANGALORE

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE NINETEENTH DAY OF MARCH, 1987

Present : Hon'ble Shri Ch.Ramakrishna Rao Member(J)
Hon'ble Shri P.Srinivasan Member(A)

REVIEW - APPLICATION NO. 4/87

Smt.Usha Ramachandran,
LDC(since terminated),
O/o the Executive Engr.,
Southern Gauging Division,
Central Water Commission,
No.5, BP Wadia Road,
Bangalore - 4.

(Shri H.S.Jois

...

APPLICANT

... Advocate)

Vs.

- 1.The Central Water Commission,
M/o Agriculture and Irrigation,
Govt. Of India, New Delhi - 1.
2. The Superintending Engineer,
Central Water Commission,
Investigation Circle No.II,
Faridabad,(HARYANA).
3. The Superintending Engineer,
Central Water Commission,
Hydrological OBS &FF(S) Circle,
Hyderabad-4.
4. The Executive Engineer,
Southern Gauging Division,
Central Water Commission,
BP Wadia Road, Bangalore-4.
5. Sri R.C.Acharjee, LDC,
Tipiamukh Investigation Circle,
Central Water Commission,
Shillong.
6. Sri.N.Jothilingam, LDC
Investigation Circle No.1,
Faridabad, (HARYANA).
7. Miss Usha Kumari Rudramma,LDC,
C/o The Supdt.Engineer,
Central Water Commission,
Hyderabad - 4.

...

RESPONDENTS.

This application has come up before the court today.

Hon'ble Shri P.Srinivasan, Member(A) made the following :





ORDER

In this review application, the applicant wants us to review our Order dated 20.11.1986 rendered in Application No. 828/86. In that order, we had rejected the applicant's prayer for (i) quashing an order terminating her services w.e.f 8.11.1981, and (ii) for directions to regularise her in the post of L.D.C. w.e.f. the date respondent No.6 ('R.6') had been regularised.

2. We were of the view that the services of the applicant having been terminated more than 5 years earlier, granting her request would upset the settled order of things, and in any case, she was only an adhoc appointee whose services could be terminated at any time. We had also noticed that R-6 had been regularised as early as in 1978, while the applicant had not been regularised till her services were terminated on 8.11.1981. The regularisation of R-6 as such was not ~~the~~ challenged in the application. If we were to grant the applicant's request, the regularisation of R-6 would have to be cancelled, a result which we could not impose on R-6 at that stage. Neither the applicant nor the respondents could give any particulars about R-5. It was in these circumstances that we dismissed the application. However, while doing so, we had recorded an observation suggesting that learned counsel for the respondents could recommend to the authorities to consider giving a fresh appointment to the applicant in view of her earlier service.

3. Shri Ranganath Jois, learned counsel for the applicant, contends that the original application was initially filed as a writ petition in the High Court of Karnataka in 1981 immediately after the applicant's services had been terminated, and so could not be considered to be late. According to him, R-6, should not have been regularised in August 1978, and the applicant being

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senior should have been regularised instead.

4. Shri N. Basavaraju, learned standing Counsel for the Central Govt. appearing for the respondents, contends that this review application should not be admitted.

5. We may reiterate here what we have been saying regularly earlier ^{H)} ~~that~~ ⁱⁿ review we do not sit in judgement over our own orders. We have earlier taken the view that the applicant's prayer could not be granted 5 years after the order terminating her services had been passed. We could not displace R-6 in favour of the applicant because he had been regularised rightly or wrongly in August 1978 itself and the applicant had not prayed for cancellation of the formers' regularisation. This being so, we do not propose reappraising the merits of the case and reconsider our view in this regard. We would, however, reiterate the observations made by us in the penultimate paragraph of our original order for consideration by the authorities. Shri Basavaraju, has taken note of this observation and has agreed ^{do} to the needful in the matter.

6. In the result, we decline to admit this review application.

Sd-
MEMBER(J)

Sd-
MEMBER(A)

(True Copy)

AN.

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

