

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@oooooooooooo@

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

Dated : 21-9-87

APPLICATION NO 645

/87(F)

W.P. NO

Applicant

Smt Nirupa Vasa

v/s The Joint Director of Census Operations
in Karnataka & another

To

1. Smt Nirupa Vasa
H. No. 6-6-427/8, Gandhinagar
Behind Praga Tools
Secunderabad - 500 380
Andhra Pradesh
2. Shri Ranganatha S Joshi
Advocate
36, 'Vagdevi'
Shankarapuram
Bangalore - 560 004
3. The Joint Director of Census
Operations in Karnataka
21/1, Mission Road
Bangalore - 560 027
4. The Secretary
Ministry of Home Affairs
New Delhi
5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXXXX~~/
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 645/87(F) 14-9-87

Encl : as above

6. The Registrar General of India
Kotah House Annex
2A, Mansingh Road
New Delhi - 110 003

Jas
for DEPUTY REGISTRAR
~~XXXXXXXXXXXXXX~~
(JUDICIAL)

23/9

9c. RECEIVED
Diary No. 1175/42-182

23/9/87
Date: 23-9-87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH BANGALORE

DATED THIS THE 14TH SEPTEMBER, 1987

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

Hon'ble Shri P. Srinivasan Member(A)

APPLICATION NO. 645/87(F)

NIRUPA VASA
C/o Sri H. Subramanya Jois, and
Sri S. Ranganatha,
Advocates, VAGDEVI,
Shankara Park, Shankarapuram,
Bangalore-4.

Applicant

(Shri Ranganath Jois Advocate)

1. The Joint Director of Census Operations in Karnataka, Mission Road, Bangalore-27.
2. The Union of India, by its Secretary, Ministry of Home Affairs, New Delhi.

Respondents

(Shri M. Vasudeva Rao..... Advocate)

This application has come up for hearing before this Tribunal to-day, Hon'ble Member (J) made the following :

Q R D E R

The applicant in this application was appointed as Lower Division Clerk (LDC) in the office of the Director of Census Operations, Karnataka, Bangalore in pursuance of the order of appointment dated 6-4-1981 (Annexure A) on a purely temporary and on ad hoc basis. It was mentioned in the order of appointment that the appointment may be terminated at any time by a month's notice given by either side.



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By order dated 18-11-1986 (Annexure B) the services of the applicant were terminated by the Joint Director of Census Operations, Karnataka, Bangalore, (R-1) pursuant to sub-rule (1) of Rule 5 of the CCS (Temporary Service) Rules, 1965. Aggrieved by this order, the applicant has filed this application.

2. Shri Ranganath Jois, learned counsel for the applicant, contends that his client who had worked continuously for about five years was given all benefits like DA, HRA, CCA and the facility of subscribing to Provident Fund etc. which are given to regular employees; that the authorities had not followed the principle of last come first go in as much as persons who had joined service later than the applicant were retained in service while the applicant was discharged from service and the order dated 18-11-1986 is legally unsustainable.

3. Shri M. Vasudeva Rao, learned counsel for the respondents, refuted the contentions of Shri Joise on the ground that the services of the applicant were on a purely temporary and ad hoc basis and the terms of the order of appointment did not confer any right on the applicant to continue in service. Regarding the contention of Shri Joise that persons, who had joined service later than the applicant, had been retained in service, Shri Rao submits that the services of the applicant were terminated because she did not get through the Staff Selection Commission examination (SSC) while the others qualified themselves



at the SSC examination.

4. We have given careful thought to the rival contentions. It is common ground that when the applicant was appointed as LDC in 1981, the method of recruitment of LDCs through the SSC was not yet introduced nor was there any clause inserted in the letter of appointment to the effect that it was obligatory on the part of the applicant to get through the SSC examination. In our view, the applicant having continuously worked for about five years and having been given only one chance to appear for the SSC examination, she may be given one more opportunity to appear for SSC examination. We are informed that the next SSC examination is due to be held in November 1987. We direct the respondents to sponsor the name of the applicant for the ensuing examination.

5. Shri Rao submits that there may not be enough time to sponsor the name of the applicant. However, we consider that since two months are still remaining, it should be possible for the respondents to do their utmost to see that the name of the applicant is accepted for the SSC examination to be held in November 1987. We, therefore, set aside the order dated 18-11-1986 (Annexure B) and direct the respondents to take back the applicant in service in the same post in which she was working earlier.



[Signature]

6. We make it clear that if the applicant does not qualify at the ensuing examination, the respondents will be at liberty to terminate the services but in case she gets through, the question of paying the salary and allowances for the period from 18-11-1986 to the date of her rejoining service will be considered by the respondents in accordance with the rules.

7. A copy of this order shall also be sent to the Registrar General of India, Kotah House Annex, 2A Mansingh Road, New Delhi- 110003.

8. In the result, the application is allowed to the extent indicated above, Parties to bear their own costs.



Sd/-
MEMBER (J) 14.11.86

Sd/-
MEMBER (A)

sb.

True Copy.

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE