

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 6th APRIL, 1987

Present : Hon'ble Shri CH.RAMAKRISHNA RAO MEMBER(J)

Hon'ble Shri P. SRINIVASAN MEMBER(A)

APPLICATION No.96/87(F)

Smt.K.Nagamma,
LDC, Office of the Directorate of Census Operation,
No.21/1, Mission Road, Bangalore - 27. APPLICANT

(Shri Ranganath Jois ... Advocate)

V.

Secretary,
M/o Home Affaris,
Rafi Marg,
New Delhi - 1.

The Director of Census Operations in
Karnataka, No.21/1, Mission Road,
Bangalore - 27.

The Joint Director of Census,
No.21/1, Mission Road,
Bangalore - 27.

... RESPONDENTS

(Shri M.Vasudeva Rao ... Advocate)

This application has come up before the court today.

Hon'ble Shri Ch.Ramakrishna Rao, Member(J) made the following :

ORDER

This application has been listed today under "cases not ready for hearing ". However, as learned counsel on both sides were prepared to argue the case today itself, the application was heard.

2. The applicant in this application was appointed as Lower Division Clerk (LDC) on 12.11.82 in the office of the Director of Census Operations, Karnataka on a purely temporary and ad hoc basis. It was mentioned in the order of appointment (Annexure-A) that the appointment may be terminated at any time by giving a month's time



by either side. On 18.11.86, the services of the applicant were terminated in pursuance of sub-rule 1 of Rule 5 of Central Civil Services (Temporary Services) Rules, 1965(Annexure-C). Aggrieved by this order, the applicant has filed this application.

3. Shri Ranganath Jois, learned counsel for the applicant contends that his client, who had worked continuously for 4 years, was given all benefits like Dearness Allowance, House Rent Allowance, City Compensatory Allowance and facility of subscribing for Provident Fund, usually given to regular employees and her work was found satisfactory by the authorities as seen from the certificate at Annexure-B. Shri Jois further contends that the authorities violated the principle "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.

4. Shri M.Vasudeva Rao, learned counsel for the respondents refutes the contentions put forward by Shri Jois 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 Jois that two persons who joined later 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(SSCE) while the other two qualified themselves at the SSCE.

5. We have given careful thought to the rival contentions. In our view, the applicant having continuously worked for 4 years and having been given only one chance to appear for SSCE, she may be given one more opportunity to appear for SSCE. Shri Rao informs

C. J.

us that the name of the applicant has already been sponsored for the next SSCE to ^{be} held in June, 1987.

7. We, therefore, set aside the order dated 18.11.86 (Annexure C) and direct the respondents to re-instate the applicant in the post of LDC in which she was working before her services were terminated. The question of paying the salary and allowances for the period from 18.11.86 to the date of her re-instatement will be considered by the respondents after the results of the SSCE to be held in June, 1987 are known in the light of the relevant rules.

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

Chandrasekhar
MEMBER(J) 6/4/87

P. S. Rao
MEMBER(A) 6/4/87

AN.