

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

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

Dated: 24 Nov 87

APPLICATION NO 833 / 87 (T)

W.P.No. 6338 / 85

APPLICANT

Vs

RESPONDENTS

Smt. S. Nagamani  
To

Central Food and Technological  
Research Institute, Mysore.

1. Smt. S. Nagamani,  
W/o Shri Jayaram,  
Helper Grade-A (under orders  
of removal),  
K-II Section,  
CFTRI, Mysore - 13

4. Sri S. Abdul Nazeer,  
Advocate,  
C/o Sri V. Tarakaram,  
Advocate,  
4, Kemara Park East East  
Bangalore - 560 001.

2. Shri Ranganath Jois,  
Advocate,

36, Vagdevi,  
Shankarapuram,  
Bangalore - 4.

3. Director,  
The Central Food and  
Technological Research Institute,  
Cheluvambra Mansion,  
Mysore - 13.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~

~~INTERIM ORDER~~ passed by this Tribunal in the above said application

on 6 Nov 87.

RECEIVED

Diary No. 1458/CR/87

Date: 26.11.87

Encl: as above.

SECTION OFFICER  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 6TH DAY OF NOVEMBER,1987.

PRESENT:

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

And:

Hon'ble Mr. L.H.A. Rego, .. Member(A).

APPLICATION NUMBER 833 OF 1987.

Smt. S. Nagamani,  
W/o Shri Jayaram,  
Aged 22 years, Helper Grade-A  
(under orders of removal), E-II Section,  
CFTRI, MYSORE.

.. Applicant.

(By Sri Ranganath Jois, Advocate)

v.

The Central Food and Technological Research  
Institute, Cheluvamba Mansion, Mysore-13  
represented by its Director.

.. Respondent.

(By Sri S. Abdul Nazeer, Advocate)

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This application coming on for hearing this day, Vice-Chairman made the following:

O R D E R

This is a transferred application and is received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985.

2. Smt. S. Nagamani, applicant before us applied for the post of an Helper Grade-A in the Central Food and Technological Research Institute, Mysore (CFTRI) inter alia stating that she was not involved in any criminal or other legal proceedings that disabled her appointment to the post. Accepting that statement and other records, then available, the the Administrative Officer, CFTRI by his order No. FT-12(73)/80-PL dated 3-11-1983 (Annexure-D) appointed the applicant

as an Helper on probation. When she was still under probation, the Administrative Officer by his office Memorandum No.FT-12(73)/80-PL dated 8-2-1984 had discharged her from service and the same has been re-stated on 20-3-1985 (Annexure-K). In Writ Petition No.6338 of 1985 the applicant challenged the said orders before the High Court, which on transfer had been registered as Application No.833 of 1987.

3. Sri S.Ranganath Jois, learned counsel for the applicant, contends that the discharge of the applicant on the ground that she had not disclosed the pendency of a criminal case in the jurisdictional Magistrate's Court was no ground to discharge her from service and was illegal. In support of his contention Sri Jois strongly relies on the ruling of the Supreme Court in RASIKLAL VAGHAJIBHAI PATEL v. AHAMEDABAD MUNICIPAL CORPORATION AND ANOTHER (Patel's case) (1985 SCC (L&S) p.392) and an unreported ruling of the Karnataka Administrative Tribunal ('KAT') in K.MANJUNATH v. SUPERINTENDENT OF POLICE, MANDYA AND ANOTHER (Application No.4249 of 1986 decided on 21-7-1987).

4) Sri S.Abdul Nazeer, learned counsel for the respondent sought to support the impugned orders.

5. In the attestation form furnished to the Appointing Authority the applicant had asserted that there was no criminal case pending against her. But, the applicant does not dispute that a criminal case in C.C.No.247 of 1982 was pending on the file of the J.M.F.C.(II Court) Mysore when she made her said statement to the appointing authority. If the applicant had disclosed this fact as she was bound to and was called upon to do so also, then it is very unlikely that the Appointing Authority would have at all appointed the applicant and gave her a posting.

6. The one and the only reason on which the Appointing Authority had discharged or terminated the services of the applicant was

that she had not disclosed a material fact which was within her exclusive knowledge and even deliberately mislead him to appoint and take her to duty. In doing so, the authority had invoked clause (2) of the appointment order, which he was entitled to do. We do not see any infirmity in the discharge of the applicant at all.

7. In Patel's case, the Court was examining the dismissal of an employee of a Municipal Corporation in a disciplinary proceeding. But, that is not the position in the present case. Hence, the ratio in Patel's case does not really bear on the point and assist the applicant.

8. In Manjunath's case the KAT was examining the case of a termination of a police constable who was found to be unsuitable for the post of Police Constable he was holding casting on him a stigma. But, that is not the position in the present case. Hence, the ratio in Manjunath's case does not bear on the point and assist the applicant.

9. Sri Jois next contends that whatever be the statement of the applicant in the attestation form, she had been honourably acquitted by the Criminal Court on 30-11-1984 and with regard to the same, we should interfere with the impugned orders and direct the reinstatement of the applicant.

10. We have earlier noticed that the applicant had been discharged on the ground that she had made a deliberate misstatement and had suppressed a material fact which was within her exclusive knowledge. The acquittal made by the Criminal Court had hardly any relevance in deciding whether the discharge of the applicant who was on probation was justified or not. We, see no merit in this contention of Sri Jois and we reject the same.

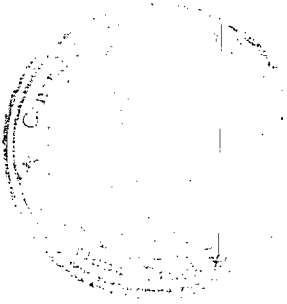
11. As all the contentions urged for the applicant fail, this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-  
VOICE-CHAIRMAN 6/11/87

Sd/-  
MEMBER(A) 16/11/87

np/

- True copy -

  
~~Sd/-~~  
SECRETARY  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

D. NO. 849 / 88

SUPREME COURT OF INDIA  
NEW DELHI-1.

Dated: 18th August, 1988

From: The Assistant Registrar,  
Supreme Court of India,  
New Delhi.

To 1) The Registrar,  
~~High Court of~~  
The Central Administrative  
Tribunal, Bangalore.

2) The Director,  
The Central Food and  
Technological Research  
Institute, Cheluvamba  
Mansion, Mysore-13.

CIVIL APPEAL NO. 2686 OF 1988  
(High Court Application number 833 of 1987) 1987

Smt. S. Nagamani

... Appellant (s/ )

Versus.

The Central Food Technological Research Institute Respondent. (✓)

Sir,

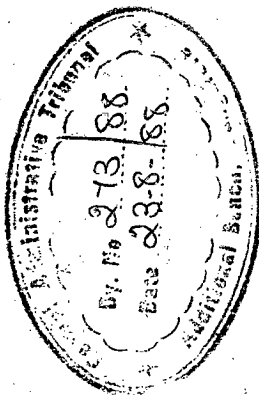
In pursuance of Order 13, Rule 6, S.C.R. 1966, I am directed by their Lordships of the Supreme Court to transmit herewith a Certified copy of the ~~Judgment~~/Order dated the 16th August, 1988 in the Appeal above-mentioned. The Certified copy of the Decree made in the said ap peal will be sent later on.

Please acknowledge receipt.

Yours, faithfully,

ASSISTANT REGISTRAR.

Ag 3/8 Int



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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 2686 OF 1980  
(Arising out of S.B.(C) No. 1887 of 1980)

Smt. S. Nageswari

..... Appellant

Versus

The Central Food Technological  
Research Institute

..... Respondent

O R D E R

Special leave granted.

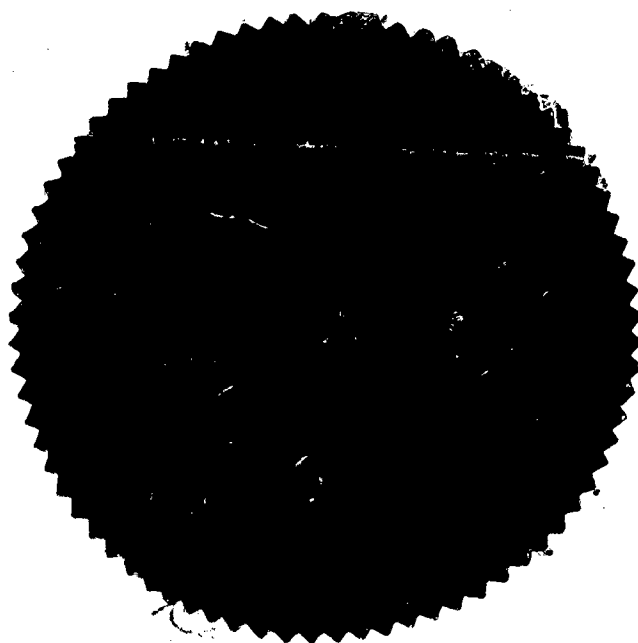
The appeal is heard. Taking into consideration all the aspects of the case including the fact that the appellant has been since acquitted of the charge under section 325 I.P.C., we direct the respondent - Central Food Technological Research Institute to re-instate the appellant in the post which she was holding before the termination of her services without any back wages. The appellant shall furnish an affidavit to the respondent within two weeks from today stating that no other criminal case is pending against her in any court. The respondent shall take the appellant back to duty within four weeks from today. The appeal is disposed of accordingly.  
No costs.

Certified to be true copy  
*[Signature]*  
Assistant Registrar (Judl.)  
..... 16.8.1980  
Supreme Court of India

.....J.  
(R.S. Venkateshiah)

.....  
(H.D. Dutt)

New Delhi,  
August 16, 1980.



*Ph*

*19/8/88*



**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

11nd Floor,  
Commercial Complex (BDA),  
Indira Nagar,  
Bangalore-560 038.

Ref. A. No. 838/87(T).

26th Aug. '88.

To

The Assistant Registrar,  
Supreme Court of India,  
New Delhi.

Sub: Civil Appeal No. 2686 of 88.

Sir,

Reference your letter D.No. 849/88 dated <sup>18th</sup> ~~1st~~ Aug. '88.

Receipt of your letter under reference and its  
enclosure is hereby acknowledged.

Yours faithfully,

*N*  
o/c (N. RAMAMURTHY)  
SECTION OFFICER(J).

All communications should  
be addressed to the Registrar,  
Supreme Court, by designation,  
NOT by name.  
Telegraphic address:—  
"SUPREMECO"

D. No. 849/88/Sec-IV-A

# SUPREME COURT INDIA

FROM

The Additional Registrar(Judicial),  
Supreme Court of India,  
New Delhi.

To

1. The Registrar,  
Central Administrative Tribunal,  
Bangalore.

Dated New Delhi, the 30<sup>th</sup> August, 1988

2. The Director,  
Central Food and Technological Research  
Institute, Cheluvamba,  
Mysore - 13.

## CIVIL APPEAL NO. 2686 OF 1988.

Smt. S. Nagamani

...Appellant

Versus

The Central Food Technological  
Research Institute

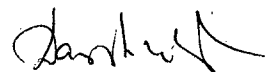
...Respondent

Sir,

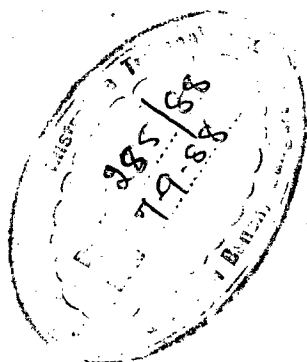
In continuation of this Court's letter of even  
number dated the 18th August, 1988, I am directed to  
transmit herewith for necessary action a certified  
copy of the decree dated the 16th August, 1988, of  
the Supreme Court in the said appeal.

Please acknowledge receipt.

Yours faithfully,



For Addl. Registrar(Judl.)



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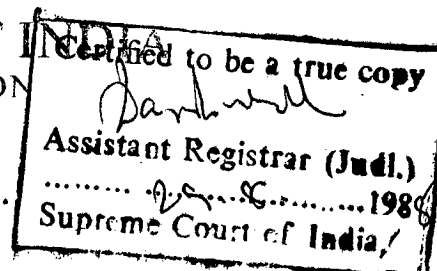
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IN THE SUPREME COURT OF INDIA  
CIVIL - CRIMINAL APPELLATE JURISDICTION



-No.

CIVIL APPEAL NO. 2686 OF 1988.

(Appeal by Special Leave granted by this Court by its order dated the 16th August, 1988, in Petition for Special Leave to appeal (Civil) No. 1887 of 1988 from the Order dated the 6th November, 1987, of Central Administrative Tribunal, Bangalore in Application No. 833 of 1987).

Smt. S. Nagamani,  
W/o Shri Jayaram,  
Aged about 24 years  
Former Helper Grad 'A'  
E-II Section, Central Food  
Technological Research  
Institute Cheluvamba  
Mansion, Mysore - 13.

...Appellant

Versus

The Central Food Technological  
Research Institute, Cheluvamba  
Mansion, Mysore -13,  
represented by its Director.

...Respondent

16th August, 1988.

CORAM

HON'BLE MR. JUSTICE E.S. VENKATARAMIAH  
HON'BLE MR. JUSTICE M.M. DUTT

For the Appellant: Mr. P. Mahle, Advocate.

For the Respondent: Mr. N.C. Sikri, Senior Advocate.  
(Mr. Arjan Kr. Sikri and  
Mrs. Madhu Sikri, Advocates with  
him).

The Appeal above-mentioned being called on for hearing before this Court on the 16th day of August, 1988, UPON perusing the record and hearing counsel for the parties herein, THIS COURT DOETH in disposing of the appeal ORDER:

1. THAT the Order dated the 6th November, 1987 of the

Central Administrative Tribunal, Bangalore in Application No. 833 of 1987 be and is hereby set aside and in place thereof an Order allowing the said Application No. 833 of 1987 and directing the Central Food Technological Research Institute the Respondent herein to reinstate the appellant herein without any back wages within four weeks from this the 16th August, 1988, in the post which she was holding before the termination of her services be and is hereby substituted;

2. THAT the appellant herein shall furnish an affidavit to the respondent herein within two weeks from this the 16th August, 1988 stating that no other Criminal Case is pending against her in any Court;

3. THAT there shall be no order as to costs of the said appeal in this Court;

AND THIS COURT DOETH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned.

WITNESS THE Hon'ble Shri Raghunandan Swarup Pathak, Chief Justice of India at the Supreme Court, in New Delhi, dated this the 16th day of August, 1988.

Sl/-  
(S. VARADARAJAN)  
JOINT REGISTRAR  
By

**CIVIL SUPREME COURT**  
**CRIMINAL APPELLATE JURISDICTION**  
CIVIL APPEAL NO. 2686 OF 1988.

No.  
 Smt. S. Nagamani

of 198  
 Appellant  
 Applicant

*Versus*

The Central Food Techno-logical Research Institute. Respondent

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

APPLICATION NO. 833 OF 1987.

DECREE DISPOSING OF THE APPEAL  
 WITH NO ORDER AS TO COSTS.

Dated the 16th day of 1988.

Engrossed by

Examined by

Compared with

No. of folios

SHRI Shri Padmanabha Mahale,  
 Advocate on record for the Appellant

SHRI Mrs. Madhu Sikri,

Advocate on record for the Respondents

SEALED IN MY PRESENCE

29/8/88



**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

11nd Floor,  
Commercial Complex (BDA),  
Indira Nagar,  
Bangalore-560 038.

Ans: 833/87 (T) / ~~80000000/10~~

~~F.No. 13/1/87 Jud-51.~~

9th Sep. '88

To

The Additional Registrar (Judicial),  
Supreme Court of India,  
New Delhi.

Sub : Civil Appeal No. 2686 of 1988.

Sir,

The receipt of Certified copy of the Decree dated  
the 16th Aug. '88 of the Supreme Court of India transmitted vide your  
letter D.No. 848/88/Sec- IV-A dated 30.8.88 is hereby acknowledged.

Yours faithfully,

*7C*

*R*  
(N. Ramamurthy)  
Section Officer(3-II)

*T.S. Srinivas*  
*18/9/88*  
*9/9/88*