REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 18 FEB 1988

APPLICATION NOS. 983 & 984, /87 (F)
~~XXRXXXX~~ 1041 to 1043

APPLICANT Vs RESPONDENTS

Shri V. Shankar Narayanarao & 4 Ors — The Comptroller & Auditor General of India, New Delhi & another

To

1. Shri V. Shankar Narayanarao
   23, 7th Cross,
   Azadnagar
   Bangalore - 560 018

2. Shri G. Basavaraj
   48/A (642/1), Upstairs
   2nd Cross, 2nd Main,
   Prakash Nagar
   Bangalore - 560 021

3. Shri N.T. Lakshminarayan
   No. 6/01, II Cross
   Ramakrishnaiah Street
   Seshadripuram
   Bangalore - 560 020

4. Smt G. Mary Helen
   No. 482/1, Kariyanapalya
   Thomas Town Post
   Lingarajpura
   Bangalore - 560 084

5. Shri M. Nagaraja
   No. 3, Anjeneya Temple First Street
   Bangalore - 560 020

6. The Comptroller & Auditor General of India
   10, Bahadur Shah Zafar Marg
   New Delhi - 110 002

7. The Accountant General (Audit-I) in Karnataka
   Bangalore - 560 001

8. Shri M. Vasudeva Rao
   Central Govt. Stng Counsel
   High Court Building
   Bangalore - 560 001

9. Shri S.V. Angadi
   Advocate
   186, 6th Cross, Gandhinagar
   Bangalore - 560 009

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXX~~/
~~XXXXXXXXXXXXXX~~ passed by this Tribunal in the above said applications on 28-1-88.

DEPUTY REGISTRAR
(JUDICIAL)

Encl: as above.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 28TH DAY OF JANUARY, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NOS. 983-984/87 & 1041 - 1043/87

1. Sri V. Shankar Narayanarao,
S/o N. Vittal Rao,
D.No. 23, 7th Cross,
Azadnagar, Bangalore-18. .... Applicant in A. No.983/87.

2. Sri. G. Basavaraj,
s/o. H.B. Gangadhar,
Major, No.48/A (642/1),
Upstairs, 2nd Cross,
Prakashnagar, B'lore. .... Applicant in A. No.984/87.

3. Sri. N.T. Lakshminarayanan,
s/o. N.L. Thimmaiah,
age 27 years, No.6/01,
II Cross, Ramkrishnaiah Street,
Seshadripuram, Bangalore. .... Applicant in A. No.1041/87.

4. Smt. G. Mary Helen,
W/o. John Xavier,
Aged 27 years,
No.482/1, Kariyanapalya,
Thomas Town Post,
Lingarajapura, Bangalore. .... Applicant in A. No.1042/87.

5. Sri. M. Nagaraja,
s/o. Late Makalappagowda,
age 27 years, No.3,
Anjeneya Temple First Street,
Bangalore.20. .... Applicant in A. No.1043/87.

(Shri S.V. Angadi, Advocate)

v.

1. The Comptroller and Auditor General of India, New Delhi.

2. The Accountant General (Audit-I), in Karnataka, Bangalore. .... Common Respondents.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

These applications having come up for hearding to-day, Vice-Chairman made the following:

ORDER

As the questions of law that arise for determination in these cases are common, we propose to dispose them of by a common order.

2. In response to different notifications issued on different dates by the Accountant General (Audit I), Karnataka, Bangalore (AG), the applicants applied for selection to the posts of Casual Labourers ('Typists') on daily wages basis. On different dates, the applicants were appointed with a condition that their services were liable to be terminated without assigning reasons. On 12.10.1987 the AG had terminated the services of the applicants in A.No.983 and 1041 to 1043/87. On 2.12.1987 the AG had terminated the services of the applicant in A.No.984/87. In these applications made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act'), the applicants, while challenging their respective terminations have sought for a direction to the AG to reinstate them to service and continue their services as before.

3. In their separate but identical replies, the Respondents have asserted that the terminations of the applicants was necessitated to accommodate the regularly recruited candidates and therefore they were valid and legal.

4. Shri S.V. Angadi, learned Counsel for the applicants contends that the termination of the applicants who had been working for long periods were unjustified and illegal.

5. Shri M. Vasudeva Rao, learned additional standing counsel for Central Government, appearing for the Respondents contends that the termination of the applicants to accommodate the regularly recruited candidates were justified and legal.

6. The applicants had been appointed on a temporary basis only. In the very appointment orders, the AG had stated that their services were liable to be terminated if their continuance was not required.

7. In their reply, the Respondents had stated that the services of the applicants had been terminated to accommodate the regularly selected candidates by the appropriate selection authority. We have no reason to disbelieve this assertion of the Respondents. If that is so, then this Tribunal cannot take any exception to the terminations of the applicants at all.

8. Shri Angadi contends that before terminating the services of the applicants they were entitled for an opportunity of hearing and the denial of the same was in contravention of the principles of natural justice.

9. Shri Vasudeva Rao contends that before terminating the services of temporary Government servants an opportunity of hearing is not required to be afforded.

10. We have earlier seen that the terminations of the applicants was in conformity with the terms and conditions of their appointments. Before terminating the services of

a temporary Government servant, that too, appointed on casual wages basis, law does not require the appointing authority to issue a show cause notice and afford an opportunity. We see no merit in this contention of Shri Angadi.

11. As all the contentions urged by the applicants fail, these applications are liable to be dismissed. We, therefore, dismiss these applications. But in the circumstances of the cases we direct the parties to bear their own costs.

Sd/-
Vice-Chairman 28/1/88.

Sd/-
Member (A) 28.1.88

TRUE COPY

bsv/Mrv.

DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE