

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 5 JAN 1989

APPLICATION NO. 87 /88(F)

W.P. NO. _____

Applicant(s)

Shri Panduranga Vithal Ankolekar

To

Respondent(s)

The Collector of Central Excise, Belgaum
& another

1. Shri Panduranga Vithal Ankolekar
S/o Shri Vithal Ankolekar
Bhoriwada
Post : Kadwad
Karwar (Uttara Kannada District)

2. Shri S.G. Bhat
Advocate
No. 166, 'Sreegiri'
Post Office Road
Vijayanagar
Bangalore - 560 040

3. The Collector of Central Excise
Club Road
Belgaum

4. The Assistant Collector of Customs
Karwar Division
Karwar (Uttara Kannada District)

5. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

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(s) on 3-1-89.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 3RD DAY OF JANUARY, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ... VICE-CHAIRMAN
HON'BLE SHRI P. SRINIVASAN ... MEMBER (A)

APPLICATION NO.87/88(F)

Sri. Panduranga Vithal,
Ankolekar,
Bhoriwada,
Post Kadwad,
KARWAR.

... APPLICANT

(Shri S.G. Bhat.....Advocate)

Vs.

1. The Collector of
Central Excise,
Belgaum.
2. The Assistant Collector
of Customs,
Karwar Division,
KARWAR.

.. RESPONDENTS

(Shri M.S. Padmarajaiah.....Advocate)

This application having come up for hearing
before this Tribunal to-day, Hon'ble Shri P. Srinivasan,
Member (A), made the following :-

O R D E R

The applicant before us was appointed as
a part time Mali on daily wage by the Assistant Collector
of Customs, Karwar - Respondent no.2-on 23.7.1984. He
continued to hold that post till 24.7.1987. By a Memo
dated 24.7.1987, respondent no.2 terminated the services



[Handwritten signature]

of the applicant with immediate effect. On 12.12.1986, the Collector of Central Excise, Belgaum, issued a circular letter to all Assistant Collectors stating that it was proposed to regularise the services of casual workers. The circular letter set out the conditions of eligibility for such regularisation and directed that the same be brought to the attention of all concerned and applications received, if any, be forwarded for consideration on or before 22.12.1986. It appears that the applicant made an application for regularisation in terms of this circular letter. The Assistant Collector i.e., respondent no.2 did not forward this application to the Collector. He recorded a note on 24.2.1987 explaining why he did not do so. In this application the applicant wants us to quash the order dated 24.7.1987 by which his services were terminated and to direct the respondents to regularise his service as a Group 'D' employee in terms of the circular letter dated 12.12.1986 referred to above.

2. Shri S.G. Bhat, learned counsel for the applicant and Shri M.S. Padmarajaiah, Senior Central Government Standing Counsel for the respondents have been heard. We have also perused the records produced by the respondents relevant to the issue under consideration.

3. Normally when the services of a temporary part time servant are terminated in terms of rule 5 of the Temporary Government Servant Rules,

P. S. Bhat

we would not undertake a fishing expedition into the records to see why the services were terminated. However, in this case as the records were produced we perused them. We find nothing in the records to indicate that the termination of the services of the applicant was a measure of punishment for any misconduct. The impugned order is just what it purports to be i.e., an order of termination simpliciter and nothing more. That being so, we are unable to accept the contention advanced on behalf of the applicant that the order terminating the applicants service should be quashed.

4. So far as the applicant's claim for regularisation as a group 'D' official is concerned, no doubt there was a circular letter issued by the Collector of Central Excise, Belgaum, to sub-ordinate offices to forward applications of persons seeking such regularisation. We have seen the relevant records and we find that the matter was considered by the Assistant Collector - Respondent-2- and he recorded a note explaining firstly, that the applicant had not been appointed through the Employment Exchange and secondly that since the applicant was not putting his heart into the work, it would not be proper to recommend his name for regularisation. Whether these reasons were ^{is sufficient} ~~right~~ or not we do not propose to examine. All that we would say is that the Assistant Collector applied his mind and, for reasons which were not irrelevant to the issue, decided not to forward the application of the applicant in exercise of his administrative discretion in the matter.



There was thus no legal flaw in the action of the Assistant Collector. That being so we decline to interfere in the matter and to issue direction as prayed for by the applicant to the respondents to regularise the service of the applicant as a Group 'D' official.

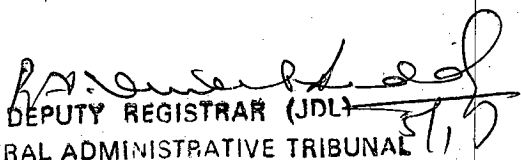
5. In view of the above, the application is dismissed. But in the circumstances of the case parties will bear their own costs.

Sd/-
(VICE-CHAIRMAN)

Sd/-
(MEMBER)(A)

SB.

TRUE COPY


DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

