

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1098/92
Transfer Application No.

Date of Decision : 28.3.95

Smt. Shobha Shankar Kokane

Petitioner

Mr. S.P.Kulkarni

Advocate for the
Petitioners

Versus

U.O.I. & Ors.

Respondents

Mr. S.S.Karkera for Mr. P.M.Pradhan

Advocate for the
respondents

C O R A M :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

- (1) To be referred to the Reporter or not ? —
- (2) Whether it needs to be circulated to
other Benches of the Tribunal? *nd*


Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

O.A. No. 1098/92

Smt. Shobha Shankar Kokane ..Applicant

V/s.

Union of India & Ors. ..Respondents

Coram: Hon.Shri Justice M.S.Deshpande, V.C.
Hon.Shri P.P. Srivastava, Member(A)

Appearance:

Mr. S.P. Kulkarni
Counsel for the applicant

Mr. S.S. Karkera for Mr. P.M.Pradhan
Counsel for the respondents

ORAL JUDGMENT: DATED: 28.03.1995
(Per: M.S.Deshpande, Vice Chairman)

The challenge by the present application is to the order of termination dated 25.9.1992 by which the applicant's services were to stand terminated w.e.f. the date of expiry of one month from the date of notice. According to the Id. Counsel for the respondents this was because under the service rules the services of the applicant were liable to be terminated if the employee failed to pass the confirmation examination within four years. It was urged that six chances were already granted to the applicant but she had failed. We are informed by the Id. Counsel for the applicant that the applicant had a spell of depression and was sent for medical examination to the Civil Surgeon, Thane and she is intermittently getting attacks of depression. She has been continued in employment by



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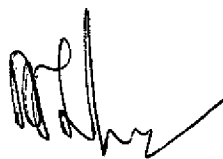
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virtue of the stay order granted by the Tribunal on 2.11.1992.

2. When we put it to the Id. Counsel for the respondents whether it would be possible to give another opportunity to the applicant to appear and attempt to pass the examination, the Id. Counsel stated that one more chance could be given to the applicant though eleven chances were already given to her so far. The applicant's Id. Counsel also stated that the applicant would be willing to take one more chance before the impugned order is given effect.

3. In the result, we direct that the respondents shall not terminate the services of the applicant unless she fails to appear and pass the next confirmation ^{be} examination to be held by the Department which is to take place after six months. The absence of the applicant, if any, shall be treated as whatever leave admissible to her under the rules.

4. With these directions the O.A. is disposed of.



(P.P. Srivastava)
Member (A)



(M.S. Deshpande)
Vice Chairman