

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: **24 MAR 1995**

Review APPLICATION NO. 44 of 1994, in O.A.NO.35 of 1994.

APPLICANTS: **Smt. N. Sumithra, Bangalore.**

V/S.

RESPONDENTS: **The Secretary, Ministry of Home Affairs,
New Delhi and others,.**

To

1. **Sri. P. S. Rajagopal, Advocate,
No. 3, Second Floor,
First Main Road,
Kurubara Sangha Building,
Gandhinagar, Bangalore-560009.**
2. **Sri. M. S. Padmarajaiah, Senior
Central Govt. Stng. Counsel,
High Court Bldg, Bangalore-1.**

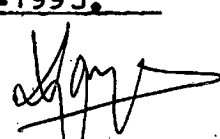
Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 09-03-1995.

Issued on
24/03/95

o/c


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

REVIEW APPLICATION NUMBER 44 OF 1994

THURSDAY, THIS THE 9TH DAY OF MARCH, 1995.

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. V. Ramakrishnan,

.. Member(A)

N. Sumithra,
W/o Venkataraju,
Aged about 34 years,
Earlier working as Lower Division
Clerk, Office of the Director of Census
Operations in Karnataka,
Mission Road, Bangalore-2.

.. Applicant.

(By Advocate Shri P.S. Raja Gopal)

v.

1. The Union of India,
represented by its Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Director of Census
Operations in Karnataka,
Mission Road, Bangalore-2.
3. The Deputy Director of Census
Operations (Administration),
Mission Road, Bangalore-2.

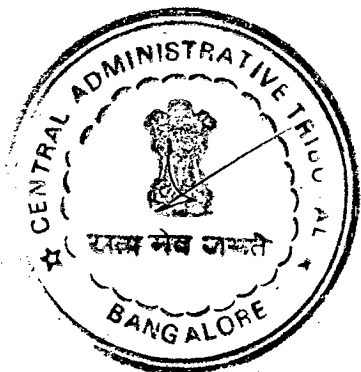
.. Respondents.

(By Standing Counsel Shri M.S. Padmarajaiah)

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

We have heard Shri P.S. Raja Gopal, learned counsel for the review applicant and Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel in this review application which arises from our order made in O.A.No.35 of 1994 dated 19-01-1994. We had dismissed the aforesaid application on the ground that the applicant's service was dispensed with on account of abolition of post.



2. In the review application what is sought to be contended is that there are posts and, therefore, on the ground of non-availability of posts, the applicant's services could not have been terminated. The department has filed a reply and also produced records bearing out the job position in the department.

3. We are herein concerned with the post of a Lower Division Clerk. The applicant had been appointed on temporary basis as Lower Division Clerk and her services have since been terminated for want of vacancies. That question having been debated in this review application we find from the records produced by the learned Standing Counsel that that fact situation is true and we find from the records that the applicant Smt. Sumithra and Mr. Basavaraju, a non-party had to yield place consequent on reverting some two others who had been displaced from the position of an Upper Division Clerks to that of Lower Division Clerks. The place of this applicant Smt. Sumithra had been taken by one Smt. Gangamma consequent upon her reversion from the post of an Upper Division Clerk. The other official Shri Basavaraju appears to have accepted his displacement from another Upper Division Clerk and not contested the matter. In the circumstances, being satisfied that the applicant's service had to be terminated for want of vacancy we had disposed of the original application. The position being not different in any way as at present, we see no substance in this review application and therefore, dismiss the same. We however, like to add if the department is likely to make any ad hoc appointments pending filling up of any posts of Lower Division Clerks regularly through the Staff Selection Commission, the case of

the applicant may be considered for any satisfactory placement in view of the fact that she had been earlier selected and appointed although on temporary basis and had actually worked for two years and we hope satisfactorily too.

Sd/-

MEMBER(A)

Sd/-

VICE-CHAIRMAN.

np/



TRUE COPY

[Signature]
24/3/85

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore