

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 74/1997

Date of Decision: 12-2-97

Ms. Ruma Srivastava

Petitioner/s

Shri V.S. Masurkar for
Ms. S. Joglekar.

Advocate for the
Petitioner/s

V/s.

Commandant NDA, Pune and others. Respondent/s

Shri R.K. Shetty.


Advocate for the
Respondent/s

CORAM:

Hon'ble Shri B.S. Hegde, Member (J)

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? ☒


(B.S. Hegde)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO.6

PRESCOT ROAD, BOMBAY:1

Original Application No. 74/97

Pronounced the 12th day of February 1997.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)
Hon'ble Shri P.P. Srivastava, Member (A)

Miss Ruma Srivastava
D/o Shri K.C. Srivastava
426, Type IV, Sector I
V.F. Estate, Jabalpur
M.P.

... Applicant.

By Advocate Shri V.S. Masurkar for Ms. S. Joglekar

V/s.

Commandant
National Defence Academy
POD NDA Khadakwasla
Pune.

Dy. Commandant
National Defence Academy
PO NDA Khadakwasla
Pune.

Principal
National Defence Academy
PO NDA Khadakwasla
Pune.

Registrar
National Defence Academy
PO NDA Khadakwasla
Pune.

... Respondents.

By Advocate Shri R.K. Shetty.

ORDER

¶ Per Shri B.S. Hegde, Member (J) ¶

In this O.A. the applicant has challenged the termination order dated 31.12.96. The learned counsel for the applicant, in this connection draw our attention to the terms and conditions of the appointment letter dated 28.6.95, wherein it is stated that the post is purely temporary on Adhoc Basis for a period not exceeding 11 months and the pay scale is Rs. 2200 - Rs. 4000/- plus Rs. 150/- Special allowance and other allowances payable to the

Central Government Servants. The said period will expire in May 1997.

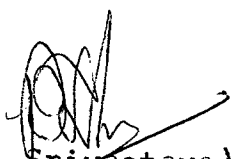
2. It is not the case of the respondents that the post itself has been abolished. Out of 13 adhoc lecturers the applicant's ranking is Serial No.11 in the merit list. The learned counsel for the respondents urged that it is the prerogative of the respondents to terminate the service at any time within the maximum period of 11 months. Thereby the applicant has no cause of action against the respondents. The termination has come through within a period of six months of appointment on account of the total number of vacant posts for Chemistry Lecturers having been reduced by one on account of the cadets of National Defence Academy being offered an option of taking up Computer Science as an alternative subject to Chemistry. In this connection the learned counsel for the applicant draws our attention to the letter of Jawaharlal Nehru University New Delhi dated 5.11.96 informing the Commandant, National Defence Academy, Khadakvasla, Pune stating that the Draft Syllabus recommended by the National Defence Academy's Academic Committee for B.Sc. (degree linked) course has been endorsed by the School of Computer & Systems Sciences for adoption with the following modifications. It is also stated that separate approval of the Vice Chancellor in his capacity as Chairman of Academic Council to the draft syllabus inclusive of the modifications. Thereafter no directions has been issued by the Ministry for inclusive of the modification in the midst of the academic year hardly arise.

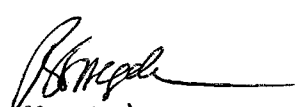
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3. The learned counsel for the applicant states that since the applicant has been temporarily appointed in the month of June for a period of 11 months, before the removal from service at least one month's notice should have been given by the respondents. It is not the first time that she has been appointed, even earlier also she had been appointed for a period of 11 months, again she has been re-appointed. In this connection the learned counsel for the applicant has drawn our attention to the earlier O.A. 869/96 decided on 30.9.96, in the case of Dr. Rajeshwari Singh V/s. Commandant NDA & Ors. On perusal of the reply we do not find any cogent reason for terminating the services of the applicant.

4. In the light of the above, we are of the view, that the termination order of the respondents dated 31.12.96, is illegal and the same is required to be quashed and set aside, accordingly the O.A. is allowed and the impugned order dated 31.12.96 is hereby quashed and set aside. The respondents are directed to re-instate the applicant in service within a period of 10 days from the date of receipt of this order. *Let the order be returned today itself.*


(P.P. Srivastava)
Member(A)


(B.S. Hegde)
Member(J)

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