IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD

ORIGINAL APPLICATION No.758 of 1987

DATE OF JUDGMENT: 27th FEBRUARY, 1992.

BETWEEN:

Mr. R.Mallikarjuna Rao .. Applicant

And

1. The Director General, Council of Scientific and Industrial Research, New Delhi-1.
2. The Director, Centre for Cellular and Molecular Biology, (Under CSIR), Hyderabad-7. .. Respondents

COUNSEL FOR THE APPLICANT: Mr. T.Jayant

COUNSEL FOR THE RESPONDENTS: Mr. Chennabasappa Desai, S.C. for CSIR

CORAM

Hon'ble Shri S.P.Mukerji, Vice Chairman

Hon'ble Shri D.K.Agrawal, Member (Judicial)

Hon'ble Shri N.Dharmadan, Member (Judicial)

JUDGMENT OF THE FULL BENCH DELIVERED BY THE HON'BLE SHRI D.K. AGRAWAL, MEMBER (JUDICIAL)

A Division Bench ofthe Tribunal at Hyderabad has referred the following 5 questions of law for adjudication:-

(1) Whether the C.S.I.R. is a 'State' within the meaning of Article 12 of the Constitution. Whether the decision of the Supreme Court in AIR 1975 SC 1329 (Sabhajeet Tiwari Vs. Union of India) that CSIR is not an authority within the meaning of Article 12 of the Constitution is impliedly over-ruled inapplicable:

(a) in view of the decision in AIR 1981 SC 487 (Ajay Hasia Vs. Khalid Mujib Sahiravardi) as held by the order dated 21-7-1989 of the Bangalore Bench of the Tribunal in Application No.167/86(F) (I.V.Raju Vs. CSIR):

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(b) in view of the Specific notification of the Government of India in GSR 730(e), Department of Personnel and Training Notification No.A-11019/16/86-Administrative Tribunals, dated 31-10-1986 that the CSIR is a Society owned or controlled by the Government of India.

(2) If the CSIR is a State within the meaning of the Article 12 of the Constitution, whether Article 311(2) of the Constitution would apply to its employees.

(3) Even if Article 311(2) is inapplicable to the employees of the CSIR, whether on the basis of the decision of the Supreme Court in AIR 1957 SC 882 (Union of India Vs. T.R.Varma), AIR 1966 SC 282 (D.L.Board, Calcutta Vs. Jaffer Imam), AIR 1963 SC 1612 (State of Assam Vs. Bimal Kumar Pandit), AIR 1969 SC 1302 (State of Maharashtra Vs. Bhai Shankar Avalram Joshi), AIR 1973 SC 885 (Sirsi Municipality Vs. C.K.F. Tellis), AIR 1980 SC 840 (U.P.State Warehousing Corporation Vs. Vijay Narayan) and AIR 1984 SC 1361 (A.L.Kalra Vs. Project and Equipment Corporation of India Limited) wherein it was held that principlies of natural justice would apply employee before an employee's services could be terminated by way of punishment, the Principle laid down in 1989(6) ATC 904 (Premnath Sharma's case) stands extended and a copy of the Enquiry Officer's report would have to be furnished to the charged officer before the disciplinary authority passes a final order either under Rule 16 of the C.C.S. (C.C.& A) Rules, 1964 or otherwise.

(4) Even if a copy of the Enquiry Officer's report is to be furnished in accordance with the principles of natural justice whether such a right is barred either expressly or by implication by Rule 17 of the C.C.S (C.C.A) Rules.

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(5) If the enquiry against the applicant stands vitiated or is bad in law for not furnishing of the enquiry officer's report by the disciplinary authority before imposing a punishment, what is the remedy available to an employee of the CSIR? Can he have the order of punishment set-aside and claim a right to reinstatement with consequential benefits or whether he can only sue for damages for breach of contract?"

2. The facts giving rise to this reference may be briefly stated:-

The above named applicant was appointed as Scientist 'B' in the Centre for Cellular and Molecular Biology (CCMB) under the control and supervision of the Council of Scientific and Industrial Research (CSIR). In due course, the applicant was promoted as Technical Officer 'C' and posted as incharge of the Animal House. On 4.12.1985, the 2nd respondent ie., the Director, Centre for Cellular and Molecular Biology, on the basis of a complaint made to him, called for the explanation of the applicant in regard to the two complaints viz. that the applicant had asked for cash and kind from two firms viz., M/s Em-Jay Engineering Company, Chikkadpally, Hyderabad and M/s Pragati Animal Feeds, Gandhinagar, Hyderabad. He was called upon to furnish his explanation by 2.30 P.M. on the same day. The applicant denied the allegations made against him in the memo dated 4.12.1985. However, he explained that he had obtained a hand loan from one Mr. Papi Reddy representing M/s Em-Jay Engineering Company promising him to repay the same within a week's period, that subsequently the said Mr. Papi Reddy came up to supply rabbit breeding racks and cages to CCMB with

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some samples, that the applicant had to suggest to him to do necessary modifications to meet the requirements of the stipulated specifications of the tender, that he had to reject the samples which were inferior, that the said Mr. Papi Reddy was displeased with him in the matter and that he might have created a fictitious complaint. With regard to the other firm, M/s Pragathi Animal Feeds, he explained that the said firm might have developed some grouse against him in connection with rejection of the animal seed supplied by them as it was of inferior quality. The 2nd respondent ie., the Director, CCMB not being satisfied with the explanation so furnished by the applicant, placed him under suspension on the same day ie., 4.12.1985. A charge sheet containing two articles of charges with regard to the above complaint was served on the applicant on 3.4.1986. The Commissioner for Departmental Inquiries, Central Vigilance Commission, New Delhi was appointed as the inquiring Authority on 14.4.1986 to inquire into the said charges. The Inquiry Officer submitted his report on 30.8.1986 finding the applicant guilty of the charges framed against him. The Director CCMB (disciplinary authority) passed an order dated 1.10.1986 dismissing the applicant from service. The applicant preferred an appeal on 16.10.1986 but the appellate authority also rejected the appeal vide order dated 28.1.1988.

3. The applicant challenged the punishment order of dismissal on various grounds, one of the grounds being that the report of Inquiry Officer was not furnished to him before infliction of punishment and the same was relied upon behind his back violating the principles of natural justice.

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4. The learned counsel for the applicant placing reliance on the Full Bench decision of the Bombay Bench of the Tribunal in the case of Premnath Sharma Vs. Union of India, 1988(6) ATC 904, urged that even after the 42nd amendement of the Constitution, an inquiry cannot be said to have been concluded with the submission of the Inquiry Officer's report, that it continues till the disciplinary authority receives the entire material, reserves it for recording its finding for imposition of penalty. On behalf of the respondents, it was contended that the Council of Scientific and Industrial Research (CSIR) is not a 'State' within the meaning of Article 12 of the Constitution, that Article 311 does not apply to the employees of CSIR, that in view of the provision contained in Rule 17 of CCS (CCA) Rules, report of the Inquiry Officer has to be furnished to the delinquent employee after the order of punishment that non supply of a copy of the report of the Inquiry Officer does not violate the principles of natural justice, in any case Rules or Principles of natural justice stand excluded by the expressed provisions contained in Rule 17 of the CCS (CCA) Rules. A question was also raised that even if non supply of a copy of the report of the Inquiry Officer amounts to violation of the principles of natural justice, whether the relief or reinstatement can be granted to the applicant or that he was only entitled to damages on account of breach of contract. In this background, the above five questions have been referred to us for adjudication.

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5. The status of Council of Scientific and Industrial Research was examined by the Supreme Court in the case of Sabhajit Tiwari Vs. Union of India AIR 1975 SC 1329. The Supreme court held that the CSIR is not an authority within the meaning of Article 12 of the Constitution. However, in the subsequent decisions in respect of several other Institutions of similar nature set-up by the Union Government, the Supreme Court laid down tests for determining as to whether such an Institution or Corporation is or is not an authority within the meaning of Art. 12 of the Constitution. Faced with this situation, the Supreme Court in a Special Leave Petition No.5034 of 1986, Pradeep Kumar Biswas and others Vs. Indian Institute of Chemical Biology and others, referred the matter of the CSIR to a Constitution Bench in the following words:

> "The question involved in this case is whether the Indian Institute of Chemical Biology is a 'State' within the maning of that expression in Article 12 of the Constitution. On behalf of the Union of India it is contended that the said Institute being a unit of the Council of Scientific and Industrial Research, New Delhi it cannot be treated as a 'State' in view of the decision of this Court in Sabhajit Vs. Union of India-(1975) 3 SCR 616. Having regard to the pronouncement of this Court in several subsequent decision in respect of several other Institutes of similar nature set-up and run by Union of India we feel that the decision in Sabhajit's case requires to be reconsidered by a Constitution Bench. Papers may be placed before the Hon'ble the Chief Justice of India for further directions. Having regard to the facts of this case we are of the view that the hearing should be expedited."

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6. The decision of the Constitution Bench of the Supreme Court is still awaited. At one stage, the Full Bench constituted by the Hon'ble Chairman, deferred the hearing of the case in the expectation that the Constitution Bench of the Supreme Court may decide the question of law. In any case, technically, unless the decision in the case of Sabhajit Tewari (supra) is reversed, it continues to hold the field and so far as the C.S.I.R. is concerned we are bound to follow the said decision as mandated by Article 141 of the Constitution as explained by the Supreme Court in Shah Vs. State of Gujarat, AIR 1986 SC 468 para 31. The view expressed by the Bangalore Bench of the Tribunal rendered in O.A.No.167/1988(F) (K.V.Raju Vs. CSIR) decided on 21.7.1989 that the decision of the Supreme Court in the case of Sabhajit Tewari (supra) has been impliedly overruled by the Supreme Court in the case of Ajay Hasia Vs. Khalid Mujib Saharavardi, AIR 1981 SC 487, is, therefore, not beyond doubt. As a matter of fact in Ajay Hasia's case in para 12 of the judgment, it has been specifically observed that the decision in Sabhajit Tewari's case being "a decision given by a Bench of five judges of this Court is undoubtedly binding upon us but we do not think it lays down any such proposition as is contended on behalf of respondents" that a Society registered under the Societies Registration Act can never be regarded as an 'authority' within the meaning of Article 12. Had the decision in Sabhajit Tewari's case stood superseded, the Supreme Court in the S.L.P. of Pradeep Kumar Biswas would not have found it necessary to refer the matter to a Constitution Bench. We may also observe that the

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notification issued by the Government of India, Department of Personnel and Training, dated 31.10.1986 was intended to bring the C.S.I.R. within the purview and jurisdiction of the Tribunal under Section 14 of the A.T.Act of 1985, which extends to the conditions of service of employees of organisations which may or may not be a 'State' within the meaning of Article 12 of the Constitution. It cannot furnish the basis for holding in any manner that CSIR is a 'State' within the meaning of Article 12 of the Constitution.

7. Consequently we answer the Question No.1 by stating that so long as the decision of the Supreme Court in Sabhajit Tewari's case that the C.S.I.R. is not a State, is not specifically reconsidered and overruled by the Constitution Bench of the Supreme Court constituted in this regard it remains a binding declaration of the juristic status of the C.S.I.R. subject ofcourse to the development of law as explained by the Supreme Court in later decisions on this issue. We find that pending adjudication by the Constitution Bench of the Supreme Court, it will not be proper to accept or reject the ruling of the Bangalore Bench of the Tribunal. The ambit of the Administrative Tribunals Act in regard to the jurisdiction of the Tribunal being more extensive than that of the 'State' as contemplated in Article 12 of the Constitution, even if the C.S.I.R. falls within the jurisdiction of the C.A.T, it does not necessarily follow that it must be a 'State'.

8. As regards the Article 311(2) of the Constitution, we may observe that the provisions of Article 311(2) apply only to the civil servants and holders of

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civil posts under the Union or a State. The words of clause (1) & (2) of Article 311 of the Constitution as extracted below themselves make it clear that the provisions of Article 311(2) are applicable to a person holding the civil post under the Union or State (Government):-

> " 311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State -- (1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed. (emphasis supplied).
>
> (2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges."

9. The Supreme Court has held in Praga Tools Corporation V. Shri C.A.Imanual & Others (1969)3 SCR 773, Heavy Engineering Mazdoor Union V. State of Bihar & Ors. (1969) 3 SCR 995 and in S.L.Agarwal V. General Manager, Hindustan Steel Ltd., (1970)3 SCR 363 that the Praga Tools Corporation, Heavy Engineering Mazdoor Union and Hindustan Steel Ltd. are all companies incorporated under the Companies Act and the employees of these companies do not enjoy the protection available to Government servants as contemplated in Article 311. The companies were held in those cases to have an existence separate from the Government and could not be held to be departments of the Government.

10. The C.S.I.R. being a Society registered under the Registration of Societies Act and being an independent legal entity like the Government companies, its employees also cannot be held to be persons employed in civil capacities under the Union or a State nor

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members of the civil service of the Union or the State nor holding any civil posts under the Union or a State as contemplated in Article 311 of the Constitution. The Constitution Bench of the Hon'ble Supreme Court in Ajay Hasia's case, referred to above ~~and~~ placed the Government companies and a Society registered under the Societies Registration Act at par so far as applicability of Article 12 or Article 311 is concerned. It also held that even if such an organisation may be a 'State' within the meaning of Article 12 it may not be elevated to the position of a 'State' for the purpose of Article 311 of the Constitution. The following extracts from that judgment may be relevant:-

> "The corporation may be a statutory corporation created by a statute or it may be a Government company or a company formed under the Companies Act, 1956 or it may be a society registered under the Societies Registration Act, 1860 or any other similar statute. Whatever be its genetical origin, it would be an 'authority' within the meaning of Art.12 if it is an instrumentality or agency of the Government and that would have to be decided on a proper assessment of the facts in the light of the relevant factors. The concept of instrumentality or agency of the Government is not limited to a corporation created by a statute but is equally applicable to a company or society and in a given case it would have to be decided on a consideration of the relevant factors, whether the company or society is an instrumentality or agency of the Government so as to come within the meaning of the expression 'authority' in Art.12.
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> 19. It is also necessary to add that merely because a juristic entity may be an 'authority' and therefore 'State' within the meaning of Art.12 it may not be elevated to the position of 'State' for the purpose of Article 309, 310 and 311 which find a place in Part XIV. The definition of 'State' in Article 12 which includes an 'authority' within the territory of India or under the control of the Government of India is not limited in its application only to Part III and by virtue of Article 36 to Part IV, it does not extend to the other provisions of the Constitution and hence a juristic entity which may be 'State' for the purpose of Part XIV or any other provision of the Constitution. That is why the decisions of this Court in S.L.Aggarwal V.Hindustan Steel Ltd. (1970)3 SCR 365 and other cases involving

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the applicability of Art.311 have no relevance to the issue before us." (emphasis supplied)

In Dr. S.L.Aggarwal v. Hindustan Steel Ltd, another Constitution Bench of the Supreme Court had earlier held that the Hindustan Steel Limited not being a Department of the Government and having an independent existence, an employee of that organisation was not entitled to the protection of Article 311.

11. Accordingly it follows that irrespective of whether the C.S.I.R. is or is not a 'State' under Article 12 of the Constitution, the provisions of Article 311 do not apply to the employees of the C.S.I.R. which has a separate legal entity registered under the Societies Registration Act and is distinct from the Union or a State. We answer question No.2 accordingly.

12. Question Nos. 3 and 4 call for a finding whether employees of C.S.I.R, admittedly governed by C.C.S (C.C.A) Rules as extended by and under the regulations of the society (C.S.I.R), are entitled to be supplied with a copy of enquiry report, prior to the order of punishment by disciplinary authority and non supply thereof amounts to violation of one of the basic rules of natural justice, that is, 'audi alterem partem' or the applicability of the said rule has been excluded as urged by the respondents by virtue of the provisions of Rule 17 of the C.C.S (C.C.A). We may in the first instance refer to the following extract from the judgment of the Supreme Court in the case of U.P.Warehousing Corporation Vs.Vijay Narayan, AIR 1980 SC 840 which indicates about the nature of disciplinary employment:

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> "14.. ..... Even if at the time of the dismissal, the statutory regulations had not been framed or had not come into force, then also, the employment of the respondent was public employment of the statutory body, the employer could not terminate the services of its employee without due enquiry in accordance with the statutory Regulations, if any in force, or in the absence of such regulations, in accordance with the rules of natural justice. Such an enquiry into the conduct of a public employee is of a quasi-judicial character... ...."

If so, despite the fact that no constitutional right subsists in favour of the applicant under Article 311 of the Constitution or in the absence of a Specific provisions affording a reasonable opportunity, applying the rule of 'audi alterem partem', such an opportunity should be afforded to the delinquent employee by reason of the fact that a disciplinary inquiry into the conduct of the employee may result in civil consequences adverse to him. Demand of fair play in action expected from public institutions also lead to the same conclusion. We may mention here that the scenario of administrative law has undergone a vast change. The distinction between the quasi-judicial function and an administrative function has practically disappeared. The reason is that the aim of both administrative inquiry as well as quasi-judicial inquiry is to arrive at a just decision and if rules of natural justice are intended to secure justice, or to put it negatively, to prevent miscarriage of justice, it is difficult to see why they should not be applicable to such enquiries. On what principle can distinction be made between one and the other? Can it be said that requirement of 'fairplay in action'

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is any the less in an administrative inquiry than in a quasi-judicial one? Sometimes, an unjust decision in an administrative inquiry may have far more serious consequences than a decision in a quasi-judicial inquiry and hence rules of natural justice must apply equally in an inquiry (Whether administrative or quasi-judicial) which entails adverse civil consequences. Over the years by a process of judicial interpretation two rules of natural justice have been evolved, ie., 'no man ought to be a judge in his own case because he cannot act as judge at the same time be a party." The 2nd rule is the rule with which we are concerned in this petition and is audi alterem partem ie., 'hear other side." Article 14 does not set out in express terms either of the above two well established rules of natural justice. The question "whether the rules of natural justice forming a part of Article 14 of the Constitution" are applicable to bodies which are not 'State' under Article 12 thereof has been answered by Their Lordships of Supreme Court in the case of Union of India Vs. Tulsi Ram Patel, AIR 1985 SC 1416 page 95 as follows:

> "The principles of natural justice have thus come to be recognized as being a part of the guarantee contained in Article 14 because of the new and dynamic interpretation given by this court to the concept of equality which is the subject-matter of that Article. Shortly put, the syllogism runs thus: violation of a rule of natural justice results in arbitrariness which is the same as discrimination, where discrimination is the result of State action, it is a violation of Article 14: therefore, a violation of a principle of natural justice by a State action is a violation of Article 14. Article 14, however, is not the sole repository of the principles of natural justice. What it does is to guarantee that any law or

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State action violating them will be struck down. The principles of natural justice, however, apply not only to legislation and state action, but also where any Tribunal, authority or body of men, not coming within the definition of 'State' in Article 12, is charged with the duty of deciding a matter. In such a case, the principles of natural justice require that it must decide such matter fairly and impartially" (emphasis supplied by us).

13. Therefore, we are of the opinion that whether or not the CSIR is a 'State', whether or not provisions of Article 311(2) apply to the employees of the CSIR the rules of natural justice will govern the disciplinary inquiry made into the conduct of the employees of CSIR. The contention that the rules of natural justice have been excluded expressly or by implication by placing reliance in the provision of Rule 17 of the CCS (CCA) Rules which is only a procedural rule, in our considered opinion, appears to be misplaced.

14. The Supreme Court in the case of Union of India Vs. Mohd. Ramzan Khan, AIR 1991 SC 471 has laid down the principle that non supply of a copy of the report of the inquiry officer by the disciplinary authority before it proceeds to pass an order of punishment amounts to violation of rules of natural justice viz., audi alterem partem. Their Lordships have laid down that deletion of second opportunity from the scheme of Article 311(2) of the Constitution has nothing to do with providing of a copy of the report of the Inquiry Officer to the delinquent employee in the matter of making his representation. Even though the second stage of inquiry in Article 311(2) of the Constitution has been abolished by amendment, a delinquent

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employee is still entitled to represent against the conclusion of the Inquiry Officer holding that the charges or some of the charges are established and holding the delinquent guilty of such charges. For doing away with the effect of the Inquiry report or to meet the recommendations of the Inquiry Officer in the matter of imposition of punishment, furnishing a copy of the report becomes necessary and to have the proceedings completed by using some material behind back of the delinquent is a position not countenanced by fair procedure. While by law, application of natural justice could be totally ruled out or truncated, nothing has been done by the 42nd amendment which can be taken as keeping natural justice out of the proceedings and the applicability of the rules of natural justice to such an inquiry is not affected by 42nd amendment. Therefore, supply of a copy of the Inquiry report alongwith the recommendations, if any, in the matter of proposed punishment to be inflicted would be within the rules of natural justice and the delinquent would therefore be entitled to the supply of a copy thereof. The 42nd amendment has not brought about any change in this position. The reasons for supply of a copy of the Inquiry report have also been laid down in one another case like this: if the report was in favour of the delinquent, in his representation to the Government he would have utilised its reasoning to dissuade the disciplinary authority from coming to a contrary conclusion, and if the report was against him, he would have put such arguments or material as he could to dissuade the disciplinary authority from

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accepting the report of the Inquiry Officer. Moreover, the disciplinary authority is bound to be influenced by the tentative conclusion arrived at by the Inquiry Officer and if the delinquent was deprived of a copy of the report, he would remain handicapped in not knowing what material was influencing the disciplinary authority. It is true that the above case is related to a Government servant. However, in view of the observations of the Supreme Court in Tulsi Ram's case quoted above, we fail to understand as to how the principles of fairplay in action would undergo a change if the delinquent was a Government servant or in employment of a statutory Corporation or Society. Natural justice, therefore, would apply with equal force in the matter of an employee of the C.S.I.R. whether or not it is a 'State' as contemplated in Article 12 of the Constitution. Consequently, our answers to questions No.3 and 4 are as follows. " The copy of enquiry report is to be supplied to an employee of C.S.I.R and an opportunity provided to him to make a representation to the disciplinary authority before the latter makes up his mind about the guilt and infliction of punishment as in this case " and that such a right which flows from the principles of natural justice is not excluded expressly or by implication by Rule 17 of the CCS (CCA) Rules.

15. The question No.5 as framed also stands answered in view of our observations in para 8 above. We have already said above that the employment under C.S.I.R. was in the nature of public employment. It cannot be said to be simpliciter a contractual employment. Once we hold that the employment is in the nature of public employment it must follow that the employee

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enjoys a 'status' and any attempt to bring an end to the same in breach of the principles of natural justice would render the action null & void. The employee shall therefore be deemed to be continuing with all the benefits flowing from such continuity. The question No.5 is answered accordingly, that is, the employee shall be entitled to be reinstated with all the benefits of continuity of service. To sum up we answer the reference as under:-

1. So long as the decision of the Supreme Court in Sabhajit Tewari Vs. Union of India, AIR 1975 SC 1329 is not specifically reconsidered and overruled by the Constitution Bench of the Supreme Court constituted in this regard, it remains a binding declaration of the juristic status of the C.S.I.R. The fact that another Bench of the Supreme Court found it necessary to get the decision in Sabhajit Tewari's case reconsidered by the Constitution Bench which has still to give a decision, shows that, that decision cannot be held even impliedly to have been overruled by another Bench of the Supreme Court. It is, therefore, not necessary to go into the ratio enunciated in the judgment dated 21.7.89 of the Bangalore Bench of the Tribunal. The ambit of the Administrative Tribunals Act of 1985 in regard to the jurisdiction of the C.A.T. being more extensive beyond that of the 'State' as contemplated in Article 12 of the Constitution, it does not necessarily follow that the C.S.I.R. must be a 'State'.

2. Whether or not the C.S.I.R. is a 'State' within the meaning of Article 12 of the Constitution, being a juristic entity distinct from the Union or the State Government, its employees cannot seek the protection under Article 311(2) of the Constitution.

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3. A copy of the inquiry report has to be furnished to the charged officer of the C.S.I.R. before the disciplinary authority proceeds to pass final order irrespective of whether the C.S.I.R. is a 'State' or not, and irrespective of whether Article 311(2) of the Constitution applies or not.

4. The right to furnish the copy of the inquiry report is not barred expressly or by implication by Rule 17 of the C.C.S (C.C.A) Rules.

5. If the order of the disciplinary authority imposing the punishment as in this case of dismissal is found to have been passed in violation of the principles of natural justice, it would render the action null and void. The employee shall become entitled to be reinstated with all the benefits of continuity of service.

16. Let above findings be placed before Division Bench for decision of the case in accordance with law.

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(N.DHARMADAN) MEMBER (J)

(D.K. AGRAWAL) MEMBER(J)

(S.P.MUKERJI) VICE CHAIRMAN

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16/3/92
Deputy Registrar(J)

To

1. The Director General, Council of Scientific and Industrial Research, New Delhi-1.
2. The Director, Centre for Cellular and Molecular Biology, (Under CSIR) Hyderabad-7.
3. One copy to Mr.T.Jayant, Advocate, CAT.Hyd.
4. One copy to Mr.Chennabasappa Desai, SC for CSIR, CAT.Hyd.
5. One copy to Mr.Y.Suryanarayana, Advocate, in T.A.159/87, CAT.Hyd.
6. One copy to Mr.M.Surender Rao, Advocate in O.A.517/87, CAT.Hyd.
7. One copy to Mr.V.Jogayya Sarma, Advocate in O.A.544/87 CAT.Hyd.
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9. One copy to Mr.Madhukar Ganu, Advocate in O.A.918/89, CAT.Hyd.
10. One copy to Deputy Registrar(J)CAT.Hyd.
11. One copy to MrS.P.Mukerji, Hon'ble Vice Chairman
12. One copy to Mr.N.Dharmadan, Hon'ble M(J)
13. One copy to Mr.D.K.Agrawal, M(J) CAT.Allahabad Bench,23-A Thorn Hill Road,Allahabad-1.
14. One spare copy.
15. One copy to all benches of CAT.

C.A.T.Ernakulam Bench, Kandamuku lathil Towers 5th & 6th Floors,Opp:Maharaja college,M.G.Road,Ernakulam Cochin-1.

16/3/92