

At

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

* * *

O.A. No. 1025/90

Date of Decision : 17.11.93.

D. Sarada Devi

. . Applicant

Vs

1. Flag Officer, Commanding-in-Chief
Eastern Naval Command,
Visakhapatnam. - 14.

2. Chief Staff Officer (P&A),
Head Qtrs., Eastern Naval Command,
Visakhapatnam. - 14. . . Respondents.

Counsel for the Applicant : Mr.P.B.Vijaya Kumar,

Counsel for the Respondents : Mr. N.V. Ramana
Addl. CGSC

CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : ~~V~~ICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

TSR/ko
7.

O.A.No.1025/90.

Date: 17.11.1993.

J U D G M E N T

(as per Hon'ble Mr.Justice V.Neeladri Rao, Vice-Chairman X)

The applicant was appointed as Lower Division Clerk in INS, Chilka in Orissa State on 6.2.1982 and her services were regularised on the same day. On her request, she was transferred to Headquarters, Eastern Naval Command at Visakapatnam by proceedings dt. 24.4.1984 issued by R-1 and communicated to her by letter dt. 30.4.1984 by the local office at Chilka. Proceedings dt. 26.8.1990 were issued to the applicant ^{requiring} ~~requesting~~ her to go back to INS Chilka as regular LDC or to continue at Visakapatnam against Naval Headquarters sanctions i.e. on continuous casual basis on par with her seniors by cancelling her regularisation earlier ordered with effect from 6.2.1982 (it was referred to as 6.2.1987 by mistake in the proceedings dt. 26.8.1990 Annex. 'E' - page-12 of material papers). The same is challenged in this O.A.

2. When once an employee is regularly employed it is not open to any authority to remove the said employee from service except by way of punishment. Of-course an employee can be discharged from service, if the services are not found to be satisfactory during the period of probation. But an employee cannot be asked to either ~~to~~ go back to the place from which he/she was transferred, or he/she should accept the services on casual basis.

X The learned counsel for the respondents Sri N.V.Ramana had not drawn our attention to any statutory rule which empowers the 2nd respondent or any authority to pass the impugned order.

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22/10/93

3. It is also stated for the respondents that it has become necessary for R-2 to pass the impugned order as the seniors to the applicant were not willing to go to INS, Chilka, and the question of requiring the applicant to go back to INS, Chilka does not arise now as the services of the seniors and also many of the juniors of the applicant were regularised from the dates of their respective engagement by virtue of orders in in O.A.No.79/90 and 120/91 of this Tribunal. Anyhow, there is no need to further advert to this the same in the view which we have taken.

4. Accordingly the impugned order dt. 26.8.1990 bearing No.CE/2560/1 is set-aside. The O.A. is ordered accordingly. No costs.

(R.Rangarajan)
Member (Admn.)

(V.Neeladri Rao)
Vice-Chairman

Dated 17th Nov., 1993.
Dictated in the open court.

Deputy Registrar (J)

Grh.
To

1. The Flag Officer, Commanding-in-Chief, Eastern Naval Command, Visakhapatnam-14.
2. The Chief Staff Officer (P&A) Head Qtrs, Eastern Naval Command, Visakhapatnam-14.
3. One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. Onespere copy.

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3-22-93
Page 10
7/20/93

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. GHANDRASEKHAR REDDY
MEMBER (J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 17-11-1993

ORDER/JUDGMENT:

M.A/R.A/C.A.No.

O.A.No.

1025/90

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

