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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1332/96

Date of Order : 21.8.98

BETWEEN :

Smt. Bharathi Bai.

.. Applica nt.

AND

The Director of Census Operations,
A.P., Hyderabad.

.. Respondent

Counsel for the Applicant

.. Mr. B.V.Bakshi

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM :

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, M(J) X

Mr.B.V.Bakshi, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant herein was appointed as Farash (Sweeper) under the respondent vide letter No.A12021/3/90-Estt. dated 14.11.90. Though the appointment was initially on adhoc basis, and it was extended from time to time.

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3. It is stated that the applicant was involved in a criminal case in crime No.123/94 and was remanded to custody from 15.7.94 to 18.7.94. On that basis the respondent placed the applicant under suspension vide proceedings No.C.14013/1/92-Estt, dated 20.7.94 w.e.f. 15.7.94.

4. While the applicant was under suspension, the respondent by his proceedings No.A.11/18/96-Estt, dated 25.9.96 terminated the services of the applicant w.e.f. 30.9.96.

5. The applicant has filed this OA praying for a direction to the respondent to reinstate the applicant with all consequential benefits by setting aside the impugned order No.A.11/18/96-Estt, dated 25.9.96 passed by the respondent.

6. The respondent has filed the counter. In the counter it is submitted that as per recommendations of the Staff Inspection Unit, the 2 sanctioned strength of posts of Farash under the respondent organisation were abolished, that the applicant could not be accommodated in the post of Chowkidar as she was a female and that, therefore he took decision to terminate her services.

7. The learned counsel for the applicant submitted that termination order has been issued only because of her involvement in the criminal case, that the respondent should have initiated disciplinary proceedings and terminated the services according to the rules.

8. The 2 posts of Sweeper in the respondent organisation has been kept intact. When she was appointed as Farash (Sweeper) then the applicant should have been appointed in the post of Sweeper as her initial appointment was Sweeper. On her appointment the respondent had furnished her an identity card, wherein the respondent had clearly stated that the applicant was a Sweeper.

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Copy to:-

1. The Director of Census Operations, A.P., Hyderabad.
2. One copy to Mr. B.V.Bakshi, Advocate, CAT., Hyd.
3. One copy to Mr. V.Rajeswara Rao, Addl.CGSC., CAT., Hyd.
4. One copy to HBSJP M(B), CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

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9. Therefore the contention of the respondent that the applicant was only a Farash and that by mistake she had been described as Farash (Sweeper), is not tenable.

9. The learned counsel for the respondent himself submits that the question of terminating her services on account of her suspension did not arise. The only reason for termination was that there was no post of Farash under the respondent as per SIU report. But as stated earlier, the contention that she was appointed as Farash is not borne by the record and especially as mentioned in the identity card itself shows, her designation was Sweeper. As per SIU unit, the 2 posts of Sweeper have been kept intact.

10. Hence the termination of the applicant from the post of Sweeper cannot be accepted as the SIU had maintained the strength of Sweeper. It may be possible that there may be ^{already} 2 Sweepers, and because of that she was junior to those 2 and she was terminated.

11. In the result, the following direction is given :-

- (a) The termination order dated 25.9.96 is set aside.
- (b) If 2 posts of Sweeper are available on the date of her termination and there were less than 2 Sweepers in that cadre then she should be accommodated as Sweeper.
- (c) In case, her case has to be rejected, the respondents should give a detailed reply on the basis of the records available to substantiate their decision to terminate her.
- (d) Time for compliance is 2 months from the date of receipt of a copy of this order.

10. The 6A is ordered accordingly. No costs.

B.S. JAI PARAMESHWAR
(B.S. JAI PARAMESHWAR)

Member (Judl.)

21.8.98

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Dated : 21st August, 1998

(Dictated in Open Court)

R. RANGARAJAN
(R. RANGARAJAN)
Member (Admn.)

T.D.R.
T.D.R. 1998

8/9/98

II COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRØ R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M(J)

DATED: 21/8/98

ORDER/JUDGMENT

~~M.A/R.A/C.P.NO.~~

in

C.A.NO. 1332/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

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केन्द्रीय प्रशासनिक अधिकार सभा
Central Administrative Tribunal
प्रेषण / DESPATCH

-7 SEP 1998

HYDERABAD BENCH