IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NOS.1092/97 & 473/99

DATE OF ORDER : 26 July, 1999.

Between :-

OA 1092/97

Guru Raj

And ... Applicant

1. Union of India, rep. by it's Secretary to Govt., Dept. of Economic Affairs, M/o Finance, Govt. of India, New Delhi-110001.
2. TheGeneral Manager, Security Printing Press, Hyderabad.
3. Sri V.Ramulu

... Respondents

OA 473/99

1. T.V.Satyanarayana
2. Shri P.C.Venkatesh
3. V.Ramulu

... Applicants

And

1. The Secretary, Dept. of Economic Affairs, M/o Finance (North Block), Govt. of India, New Delhi.
2. The General Manager, Security Printing Press, Govt. of India, Mint-compound, Saifabad, Hyderabad-500 004.

... Respondents

-- -- --

Counsel for the Applicants : Shri N.Ram Mohan Rao (OA 1092/97)
Shri K.Vasudeva Reddy (OA 473/99)

Counsel for the Respondents : Shri V.Rajeshwar Rao (OA 1092/97)
Shri B.N.Sarma, (OA 473/99)

-- -- --

CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

-- -- --

... 2.

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

-- -- --

In OA 473/99 an order dt.24.3.1999 issued by the second Respondent (General Manager, Security Printing Press, Hyderabad)is sought to be declared as illegal and void and a consequent declaration that the applicants are entitled to hold the post of Dy.Inspector(Control). The applicants are three in number.

2. The impugned order dt.24.3.1999 issued by the Respondent No.2 reads as under :-

> "As per directive from the Ministry of Finance, Dept. of Economic Affairs, Newdelhi vide Order No.3/5/97-Cy.1 dated 19.3.1999, the Security Printing Press, Hyderabad Diary Order No.4 dated 14.6.1997 regarding appointment of Shri T.V.Satyanarayana, UDC, P.C.Venkatesh, L.D.C., and V.Ramulu, Jr.Checker, T.No.665 as Deputy Inspectors Control in Security Printing Press, Hyderabad is hereby quashed with immediate effect.
>
> Consequently, the above individuals are posted with immediate effect as per details below -

SNo.	Name S/Shri	Designation	Section
1.	TV Satyanarayana	UDC	Bills/Budget
2.	PC Venkatesh	LDC	Costing
3.	V.Ramulu	Jr.Checker (T.No.565)	Control

> Sd/-
> (B.V.RASTOGI)
> GENERAL MANAGER"

The above impugned order undoubtedly deserves to be quashed and set aside primarily because the applicants had not been put ~~for~~ on notice as how any cause had arisen for the cancellation of their appointment and why they ~~are~~ were required to be removed from service by

cancelling the appointment order. The appointment of the applicants was made under the Signature of the Respondent No.2 by Diary Order No.4 dated 14.6.1997 in which it is stated that "consequent on the selection to the post of Dy.Inspector (Control), the following persons (the applicants) are hereby appointed as Dy.Inspector (Control) in the Security Printing Press with effect from 14.6.1997". It is evident from the said order dated 14.6.1997 that the appointment/ promotion of the applicants was neither on adhoc basis nor on temporary basis nor even on contractual basis. It was a regular appointment and therefore it was indispensable for the Respondent No.2 not to bring an end to their service without showing any cause and without serving on them any notice calling upon them to show cause why their services should not be terminated. The grounds on which their termination was contemplated should also have been clearly stated in such show cause notice but in blatant dis-regard of the rules and regulations as well as the principles of natural justice. The impugned action has been taken The Respondents appear to have acted arbitrarily and capriciously without caring for the observance of the rules and regulations and the principles of natural justice.

3. Initially the first applicant was appointed as LDC in the year 1984, Applicant No.2 was appointed as LDC in 1988 and the Applicant No.3 was appointed as Jr.Checker in 1983 at the Security Printing Press, Mint Compound, Hyderabad. Subsequently 3 posts of Dy.Inspector (Control) fell vacant in the office of Respondent No.2. Written test and Oral interview for the said post were conducted on 17.8.1996 and 4.4.1997. The applicants were also permitted to appear at the written test and they (the applicants) were selected and were appointed as Deputy xxxx xxxx xxxx xxxx xxxx xxxx

Inspector(Control)vide the order dt.14.6.1997. Since then the applicants have been continued in the said posts. However, on 24.3.1999 surprisingly the impugned order dated 24.3.1999 under the signature of the Respondent No.2 was issued quashing the appointment of the applicants as Dy.Inspector (Control) without any prior notice. These facts are sufficientfor us to arrive at a conclusion that the decision taken by the Respondent No.2 cancelling the appointments in question were illegal and void. It would however be not just and proper for us to give such a superficial treatment to the action contemplated by the second respondent.

3. In the reply affidavit filed by the second respondent it is stated in para-5 that although the applicants were appointed by General Manager, Security Printing Press, Hyderabad on the basis of selection list finalised by the General Manager, India Government Mint, Hyderabad vide diary order dated 14.6.1997 the same was quashed by the Ministry of Finance vide its order No.3/S/97-Cy.I dt.19.3.1999 in view of the fact that a number of irregularities were observed in the selection process by the Ministry of Finance. In para-6(a) of the reply affidavit, it is stated that the General Secretary, Security Printing Press Mazdoor Sngh, Hyderabad served a strike notice on 5.7.1997 in connection with a charter of demands including certain irregularities in the appointments made to the post of Dy. Inspector (Control). This strike notice was considered in the conciliation proceedings held on 16.7.1997 and the Asst. Labour Commissioner (C), Hyderabad advised the Management Security Printing Press, Hyderabad to send all the documents

...5.

pertaining to the recruitment of Dy.Inspector (Control) to the Ministry of Finance and requested the Ministry to constitute a committee to examine the whole issue regarding appointment of 3 posts of Dy.Inspector (Control) in view of the prevailing industrial unrest in the organisation. Eventually a memorandum of statement under section 3 of the I.D.Act, 1947 was signed between the Management of Security Printing Press, Hyderabad and their workman represented by Security Printing Press Mazdoor Sangh before the Asst.Labour Commissioner (Central), Hyderabad on 18.7.1997. According to the terms of settlement, the management stated that the Ministry of Finance had agreed to constitute a one-man committee headed by Dr.O .N.Pathak, FA & LAO, I.S.P., Nasik to enquire into the irregularities alleged in the selection of candidates for the 3 posts of Dy.Inspector(Control). On consideration of fact finding report of Dr.Pathak, the Ministry of Finance prima-facie found certain irregularities in the selection process to tha post of Dy.Inspector (Control) and the Ministry or Finance appointed another senior level Officer viz., Sri S.D.Swamy, General Manager, India Government Mint, Mumbai on 16.4.1988 to look into all such irregularities indicated in the fact finding report of Dr.Pathak. Sri S.D.Swamy submitted his report to the Ministry on 25.8.1998 ~~October~~ confirming the irregularities in the aforesaid selection. The Ministry of Finance therefore came to a conclusion that errors were committed in the matter of selection to the post of Dy.Inspector (Control) by direct recruitment. It was observed that there was a gap of nearly 18 months between sending the requisition to the Employment Exchange and notifying directly to the departmental

...6.

candidates. The management served notice by Registered Acknowledgement Due/Telegrams etc. to the external candidates by giving short notice. However, for departmental candidates interview dates were displayed on the notice board and on account of the same two departmental candidates could not appear in the interview. It is further observed that some of the candidates who did not possess the educational qualifications of Higher Secondary with Arithmetic as stated in the recruitment rules were also considered for the test/interview and while evaluating the answer sheets full marks were awarded to some of the candidates eventhough answer to the question was wrong, marks awarded by the evaluating officer were corrected in some of the answer sheets without any attestation of the officer evaluating the marks sheet which gave a reason to believe that some manipulation had taken place according to the respondents. Accordingly, as stated in para-6 (f) on page-11 of the reply affidavit the diary order No.4 dated 14.6.1997 issued by Security Printing Press, Hyderabad regarding the appointment of the 3 applicants before us in this OA as Dy.Inspector (Control) in Security Printing Press, Hyderabad had been initiated by the Ministry of Finance vide order dt.19.3.99. It is further pointed out in the said para. that the Ministry of Finance is taking action as stated in para-4(ii) of the Ministry of Finance order dt.19.3.1999 against the erring officer.

4. It is however, not specified in the reply affidavit what role was played by the present applicants in the commission of the alleged irregularities and whether this was an act of conspiracy and whether the present applicants were in any way

... 7.

concerned with the perpetration of the alleged conspiracy.

5. It was also pointed out by the learned standing counsel for the respondents Sri BN Sarma that the applicants had not exhausted the departmental remedies of filing an appeal to the competent authority in the Ministry of Finance against the cancellation of their appointments in accordance with the provisions made under Civil Service (Classification & Appeal) Rules, 1965 before approaching the Tribunal and therefore the O.A. was not maintainable as premature.

6. In our opinion there may be a good deal of truth in the findings arrived at by Dr.Pathak and subsequently by Mr.Swamy in their enquiry report but it was ~~not only~~ incumbent upon the Respondents to point out to the applicants as to how they could be treated as involved in committing the alleged irregularities and whether any thing was done at their instance with a view to gaining undue advantage in the process of their appointment as Dy.Inspector (Control). For ascertaining these and other facts alleged made by the Respondents, it was a matter of ordinary prudence that he applicant should have been called upon to furnish their explanation by issuing them show cause notice pointing out the role played by them if any in the commission of the alleged irregularities. We are at a loss to appreciate how this requirement could have been overlooked by the Respondents. The action of cancellation of applicants appointment is palpably violative of not only the principles of natural justice but even the rules and regulations of the Department. It is not for the Bench of this Tribunal to examine the correctness or otherwise of the allegations of commis-

sion of serious irregularities primarily because sufficient material is not available on the record of the case to look into such irregularities and also because no reasons have been cited for arriving at the impeached conclusions so that we could review the same to determine the correctness of the same.

7. At this stage we believe that it is necessary for us to examine the instructions stated in the order dt.19.3.1999 issued by the Joint Secretary to the Govt. of India, Ministry of Finance, Department of Economic Affairs, New Delhi addressed to the General Manager, Security Printing Press, Hyderabad for follow up action. This order cannot be treated, primarily, as a speaking order or an order citing reasons for arriving at a conclusion how the cancellation of the applicants' appointment was legal and proper. The order recites that in pursuance of the advise of the Asst. Labour Officer (Central), Hyderabad, Ministry of Finance appointed a One-man fact finding committee and that the committee after detailed enquiry submitted ~~his~~ its report dt.13.9.1997 to the Ministry according to which certain irregularities in the Selection of Deputy Inspector (Control) but no motives were attributed to the applicants before us. We have therefore no hesitation in arriving at a conclusion that any cause had arisen to dispense with the services of the applicants.

8. O.A.1092/97 deals with the same subject matter but it is confined to legality or otherwise of the act of cancellation of appointment of Sri V.Ramulu who is impleaded as the Respondent No.3 by the applicant Mr.Gururaj in OA 1092/97. The said V.Ramulu is the appliant No.3 in OA 473/99. The applicant of OA 1092/97 however does not seek any relief in his favour. ~~He does not even~~

....9.

seek any relief in his favour. He does not even come out with any proposition that any prejudice has been caused to him or whether he has suffered any loss monetarily in his position as Jr.Checker in Security Printing Press, Hyderabad. The applicant is totally silent about any grievance which could be redressed by this Tribunal in this case. His OA No.1092/97, in our opinion, is frivolous in nature. The applicant does not even claim to have filed this OA 1092/97 in a representative capacity and does not disclose whether he is interested in any person who may have suffered any prejudice on account of the impugned appointment of the private respondent No.3. In that case therefore the applicant of OA 1092/97 incurs the liability of being saddled with exemplary cost. However, we restrain ourselves from awarding any such cost with a word of caution that the Tribunal's time should not be construed lightly and should not be invoked for a cause which is frivolous in nature and tentamounts to abusing the process of the Court. Obviously therefore the OA 1092/97 deserves to be dismissed and it is hereby dismissed.

9. As far as the OA 473/99 is concerned, the impugned order, for the reasons stated in the forgoing paragraphs of this order being Diary Order dt.24.3.1999 is hereby quashed and set aside. The OA 473/99 is accordingly allowed.

10. However, we make it clear that the Respondents shall be at liberty, if they so desire, to serve a show cause notice on the applicants of OA 473/99 alleging the role played by each so as to extend to the applicants a reasonable opporunity to defend themselves

... 10.

and take the inquiry proceedings to their logical conclusion, according to law and principles of natural justice.

11. OA 473/99 is disposed of accordingly. No order as to costs.

प्रमाणित प्रति
CERTIFIED TRUE COPY

क्रम संख्या
CASE NO. : OA 1092/97 & 473/99
निर्णय
DATE 26/7/99
प्रति
COPY 28/7/99

Officer

Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH