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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDRABAD

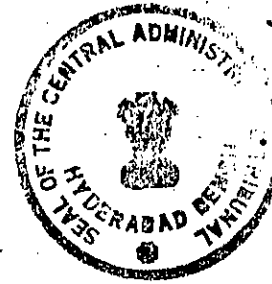
ORIGINAL APPLICATION NO.1486 of 1997

DATE OF ORDER: 23rd.FEBRUARY, 1999

BETWEEN:

N.SURESH

and



APPLICANT

The Director,  
Centre for Cellular & Molecular Biology,  
Uppal Road,  
Hyderabad 500 007.

.. RESPONDENT

COUNSEL FOR THE APPLICANT: Mr. K.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENT: Mr.V.BHIMANNA, Addl.CGSC

CORAM:

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

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

JUDGMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned standing counsel for the respondent.

2. The applicant was a temporary status worker on contract on a monthly fixed remuneration of Rs.750/- plus D.A. as applicable from time to time vide proceedings No.CCMB/E(3)/90/3709, dated 25/26.4.90 (Annexure A-X at page 18 to the OA). The learned counsel for the applicant states that the applicant was a meritorious worker. For

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this, he relies on the letter addressed to the Technical Officer enclosed as Annexure A-VII at page 15 to the OA wherein it is noted that services rendered by Shri Suresh, applicant herein, on that occasion had been note worthy and he had been congratulated for that noted work. However, the applicant was issued with a show cause notice by Office Memorandum No.CCMB/F(3)/TSW(43)/97 dated 24.2.97 (Annexure A-II at page 8 to the OA) directing him to furnish his explanation as to why his services should not be terminated on account of the alleged misconduct indicated in para 1 of that OM. The applicant submits that he is innocent and it has been accepted also by some of the Scientists and he had also submitted his explanation by his letter 24.2.97 (Annexure A-III at page 9 to the OA). However, his services were discontinued with effect from 6.3.97 by O.M.NO.CCMB/COA/97 dated 5.3.97 (Annexure A-I at page 7 to the OA).

3. This OA is filed to set-aside the impugned O.M. dated 5.3.97 and for consequential direction to reinstate him with effect from 6.3.97.

4. No reply has been filed in this OA inspite of the repeated adjournments of this case. Even though the learned standing counsel for the respondent requests time to file reply, we feel it is not necessary to give any further time as this case had come up for consideration even earlier and the respondents were advised to file reply.

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5. The applicant is a temporary status worker. He has been issued with show cause notice dated 24.2.97 for giving his explanation on some alleged misconduct. He had given his reply on 24.2.97 (Annexure A-III). The Director had discontinued his services by <sup>the</sup> cryptic impugned order dated 5.3.97 without stating reasons as to why he deemed it fit ~~necessary~~ to discontinue the services of the applicant inspite of the explanation given by him on 24.2.97. When the services of an employee are appreciated and his services are to be discontinued, the proper course of action would be to state clearly why the alleged misconduct is serious enough for discontinuing the services of that meritorious employee. The impugned order dated 5.3.97 as stated earlier is very short and does not indicate as to why the said decision was taken. Hence we feel that the impugned OM dated 5.3.97 is not an order which can be upheld. Hence we set-aside the Office Memorandum dated 5.3.97 and direct the respondent to reconsider the issue and pass a speaking order in accordance with law. The respondent-authorities will also decide the reinstatement of the applicant in accordance with the rules.

6. The OA is ordered accordingly. No order as to costs.

प्रमाणित प्रति  
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क्रम संख्या

CASE NUMBER

दिनांक

DATE OF

प्रति

COPY MADE

OA 1486/97  
23-2-99  
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Section Court Officer  
Central Administrative Tribunal  
HYDERABAD BENCH.