

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No.14/99.

Date of Decision: 26-11-99.

Smt Bhaarati Bai

.. Applicant.

Vs

The Director of Census Operations,
AP, Hyderabad.

.. Respondents.

Counsel for the applicant : Mr.B.V.Bakshi

Counsel for the respondent : Mr.B.N.Sharma, Sr. CGSC

CORAM:-

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

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

ORDER

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

Heard Mr.Sangeeth for Mr.B.V.Bakshi, learned counsel for the applicant and Mr.Jacob for Mr.B.N.Sharma, learned counsel for the respondent.

2. The applicant herein was working as Farash (Sweeper) under the respondent. Earlier her services were terminated by the order dated 25-09-96. Then she had approached this Tribunal in OA.1332/96. The said OA was decided on 21-08-98 issuing the following directions:-

"(a) The termination order dated 25-09-96 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."



3. Thereafter the respondents placed the applicant under deemed suspension and considered the case. In compliance with the direction the respondent by his letter No.C.18013/8/96-Estt. Dated 16-11-98 informed the applicant that as on date two posts of Sweepers were already filled up and that the applicant could not be accommodated in the post of Sweeper. That letter is at Annexure-1 page-5 to the OA. Further in para-2 it is stated as follows:-

"The case of the applicant is however being reviewed in the light of the latest order No.23/1/96-Ad.II, dated 24-06-98 of the Registrar General, India abolishing the posts of Farash in different Directorates of Census Operations in States and U.Ts. including the two posts of Farash existing in this Directorate w.e.f., 30-06-98 A.N. and necessary orders will be issued separately."

4. Subsequently by the impugned order the respondents invoking power under Rule 5 (1) of the CCS (Temporary Services) Rules terminated the services of the applicant.

5. The applicant has filed this OA challenging termination of her services by letter No.C.18013/8/96-Estt. Dated 23-11-98 (Page-9 to the OA) and praying for a consequential direction to direct the respondent to consider her case as Farash (Sweeper) post under the respondent.

6. The respondents have filed their reply. They submit that as per the report of the Staff Inspection Unit they abolished the post of Farash. Therefore the services of the applicant was terminated. In accordance with the direction of this Tribunal, her case was considered for continuance against her in the post of Sweeper that by then two posts of Sweepers were already filled up and that by the order dated 24-06-98 of the Registrar General they abolished the post of Farash. Hence the applicant cannot be accommodated in the respondent organisation.

7. Thus they pray for dismissal of the OA.


8. The applicant has filed a rejoinder saying that her case may be considered for the post of Sweeper or any other Group-D posts having regard to the experience gained by her in the respondent office.



9. The respondent by his letter dated 16-11-98 had informed the applicant that since the post of Farash was abolished the case of the applicant would be reviewed and necessary order will be issued separately. Surprisingly, in the letter dated 23-11-98 the respondents stated that by the order No.23/1/96-Ad.II, dated 24-06-98 the Registrar General has taken a decision finally abolishing the post of Farash. If that be the case there was no need for the respondent to mention that ^{her} ~~their~~ case would be reviewed inspite of the letter dated 24-06-98 as seen from the letter dated 16-11-98. That shows that there may be some possibility for accommodating her either as a Sweeper or as Farash or in any other Group-D posts under the respondent.

10. Hence the respondent shall consider the case of the applicant for the post of Sweeper or any other Group-D post. But no time limit can be given as it depends upon the availability of the vacancy.


11. With the above direction the OA is disposed of. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.)
26.11.99


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated: The 26th November, 1999.
(Dictated in the Open Court)

SPR


3-11-99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.
HYDERABAD.

1ST AND 2ND COURT

COPY TO.

1. HON'BLE
2. HON'BLE M (ADMN)
3. HON'BLE M. (JUDL)
4. D.R. (ADMN)
5. SPARE
6. ADV' DATE
7. STANDING COUNSEL

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE OH. NASIR
VICE-CH. JUDGE

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

THE HON'BLE MR. S. S. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER

26/11/09

MA/RA/CP.NO.

IN
CA.NO.

14/09

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

6 copies

