CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No.22 of 1998

DATE OF DECISION 15.3.1999

(AT IMPHAL)

Smt T. Chandralekha Devi (PETITIONER(S)

Mr B.K. Sharma and Mr S. Sarma ADVOCATE FOR THE PETITIONER(S)

-VERSUS-

Union of India and others RESPONDENT(S)

Mr B.C. Pathak, Addl. C.G.S.C. ADVOCATE FOR THE RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.22 of 1998

Date of decision: This the 15th day of March 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Smt T. Chandralekha Devi,
Lower Division Clerk.
Office of the Director of Census Operation,
Ministry of Home Affairs,
Government of India,
Manipur, Imphal. .....Applicant

By Advocates Mr B.K. Sharma and Mr S. Sarma.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Home, New Delhi.
2. The Registrar General of India, 2/A Manshing Road, New Delhi.
3. The Director of Census Operation, Manipur, Imphal, represented by the Deputy Director of Census Operation. .....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

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O R D E R

BARUAH.J. (V.C.)

The applicant, who is a lady, was initially appointed Typist on 20.3.1980 on ad hoc basis. She was allowed to continue in ad hoc services in various capacities, namely Statistical Assistant, Assistant Compiler, Lower Division Clerk, etc. Ultimately, by Annexure 7 order dated 15.1.1998 her ad hoc appointment was terminated after the expiry of the notice period. This termination was as per the provision of sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965. Before that, during the continuance of her

service as ad hoc employee the authority allowed her to appear before the special qualifying examination, 1993 conducted by the Staff Selection Commission (SSC for short). The said examination was held on 26.12.1993, but before the result of the examination was communicated to the departement, her ad hoc services had been terminated as per Annexure 7 order dated 15.1.1998. Hence the present application.

2. In due course the respondents have entered appearance and filed written statement. In their written statement the respondents have stated that the 1993 examination conducted by the SSC was only a one time measure and the applicant was allowed to appear in the said examination for her regularisation. However, before receipt of the result of the examination by the authority, Annexure 7 order dated 15.1.1998, terminating her service, was passed.

3. We have heard Mr S. Sarma, learned counsel for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. The contention of Mr Sarma is that the authority was unreasonable in serving the Annexure 7 order discontinuing the ad hoc appointment of the applicant, inasmuch as the applicant had been working for more than seventeen years on the date of termination. Mr Sarma further submits that she was given only one chance to pass the examination. No doubt, one chance was not adequate inasmuch as she had completed about seventeen years of service.

4. Mr Pathak submits that the special examination in which the applicant was allowed to appear was only an interim measure. However, he candidly submits that in certain cases it may not be adequate. Mr Pathak very fairly submits that though it was a one time measure, adequate

opportunity.....

opportunity should have been given to the applicant. Annexure 3 order shows that the applicant was sponsored only on 15.12.1993 for the examination which was to be held on 26.12.1993. Therefore, we agree with the learned counsel for the parties that the time allowed to the applicant to prepare herself for the examination was not sufficient. In our view though the 1993 examination was one time measure adequate opportunity should have been given to the applicant. As it was denied, we feel that justice will be met only if another chance is given to the applicant. The respondents may allow the applicant to sit in another examination as a last chance by giving her sufficient time to prepare herself for the examination. Mr Pathak submits that some time may also be necessary for the authority to arrange another examination to enable the applicant to appear.

5. Considering the submissions of the learned counsel for the parties we dispose of this application with direction to the respondents to allow the applicant another chance as a last chance giving at least three months time. If the applicant comes out successful and if there are vacancies she shall be regularised.

6. The application is accordingly disposed of. No order as to costs.

(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER

(D. N. BARUAH)
VICE-CHAIRMAN

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