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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

07.08.2012

OA No. 117/2012

Mr. Punit Singhvi, Counsel for applicant.
Mr. V.S. Gurjar, Counsel for respondents.

Heard learned counsel for the parties.

The OA is disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

J. S. Rathore

(Justice K.S.Rathore)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 07th day of August, 2012

ORIGINAL APPLICATION No. 117/2012

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

1. Surendra Singh Rajpur son of Shri Umed Singh Rajpur, aged 29 years, resident of Type-I-17, CSWRI Campus, Permanent resident Gram Sithila Ka Kheda, Post Negarh, Tehsil Hindoli, District Bundi. Presently posted as SSG Avikanagar.
2. Gopi Lal Verma son of Shri Ram Lal Raiger, aged 34 years, resident of Railway Station, Shashtri Nagar, Malpura. Presently posted as SSG Avikanagar.
3. Gopal Lal Harijan son of Shri Ram Niwas Harijan, aged 32 years, Type-I-15, CSWRI Campus. Presently posted as SSG Avikanagar.
4. Jagdish Prasad son of Shri Hazari Lal Gurjar, aged 25 years, Type-I-21, CSWRI Campus. Presently posted as SSG Avikanagar.
5. Afsar Khan son of Shri Md. Ibrahim Khan, aged 24 years, resident of Gram Paschipura, District Sawaimadhopur, Rajasthan. Presently posted as SSG Jaipur.

... Applicant

(By Advocate : Mr. Punit Singhvi)

Versus

1. Union of India through Secretary to the Government of India, Department of Agriculture and Cooperation, Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi - 110001.
2. Indian Council of Agricultural Research through its Director General (ICAR) & Secretary (DARE), Krishi Bhavan, New Delhi - 110 001.
3. The Director, Central Sheep and Wool Research Institute, Avikanagar - 304 501 (Rajasthan).
4. The Chief Administrative Officer (Formerly known as Senior Administrative Officer), Central Sheep and Wool Research Institute, Avikanagar - 304 501 (Rajasthan).

... Respondents

(By Advocate : Mr. V.S. Gurjar)

ORDER (ORAL)

Alongwith the reply, the respondents have filed the order passed by the Central Administrative Tribunal, Jodhpur Bench, Jodhpur in OA No. 38/2012 decided on 09.02.2012 [Mala Ram Dhanka vs. Indian Council of Agricultural Research & Others] and submits that the controversy involved in the present OA is squarely covered by this order. Learned counsel for the applicant has not objected this fact and submits that in the light of the order dated 09.02.2012 passed by the Central Administrative Tribunal, Jodhpur Bench, Jodhpur, the present OA may be disposed of.

2. Having considered the material available on record, submissions of the rival parties and on careful perusal of the order passed by the Central Administrative Tribunal, Jodhpur Bench, Jodhpur in OA No. 38/2012 decided on 09.02.2012 [Mala Ram Dhanka vs. Indian Council of Agricultural Research & Others], we are of the view that the controversy involved in the present OA is squarely covered by the aforesaid order as similar order in respect of all the applicants have been passed and the same has been collectively placed as Annexure A/1. It is also not disputed that pursuant to Annexure A/1, the respondents have issued a show cause notice to all the applicants calling upon them to show cause as to why their appointment should not be cancelled with immediate effect and the same has been challenged on the ground that since all the applicants attains the status of permanent Government servant, they could not be removed from service in the manner proposed by the respondents without following



the procedure as per rules and the process prescribed in the CCS (CCA) Rules, 1965.

3. The Central Administrative Tribunal, Jodhpur Bench, Jodhpur having considered the impugned order at Annexure A/1 observed that no mention has been made about the particular rule under the CCS (CCA) Rules, 1965 under which the action proposed to be taken has been initiated against the applicant. Therefore, the respondents are directed not to take any action against the applicant in pursuance of the Annexure A/1, without following the procedure laid down/ prescribed in the CCS (CCA) Rules, 1965, which as it is they are fully entitled to do, and to proceed against the applicant as per the law. The impugned Annexure A/1 was set aside as being bad in law.

4. Having considered the ratio decided by the Central Administrative Tribunal, Jodhpur Bench in OA No. 38/2012 decided on 09.02.2012 [Mala Ram Dhanka vs. Indian Council of Agricultural Research & Others] and upon perusal of the impugned order at Annexure A/1 passed in relation to the applicants, a bare perusal of Annexure A/1 would reveal that there is no mention of rule under which the action proposed to be taken has been initiated against the applicants. Therefore, we deemed it proper to direct the respondents not to take any action in pursuance of Annexure A/1, without following the procedure laid down/ prescribed in the CCS (CCA) Rules, 1965. Therefore, the impugned orders (Annexure A/1) so far as it relates to the applicants are hereby quashed and set aside as being bad in law.

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However, it is made clear that the respondents are entitled to proceed against the applicants as per the law.

5. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

K. S. Rathore
(Justice K.S.Rathore)
Member (J)

AHQ