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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI -5.

O.A. NO. 38/94
T.A. No.

DATE OF DECISION 3.4.95

Sri Tarun Chandra Brahma

PETITIONER(S)

Sri J.L.Sarkar

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Sri A.K.Choudhury, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, MEMBER (ADMINISTRATIVE).

1. Whether Reposters of local papers may be allowed to see the Judgment? yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ? } NO
4. Whether the Judgment is to be circulated to the other Benches ?

h.l.chaudhary

Judgment delivered by Hon'ble Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 38 of 1994.

Date of decision : This the 3rd day of *April* 1995.

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman.

The Hon'ble Shri G.L. Sanglyine, Member (Administrative)

Shri Tarun Chandra Brahma
Village - Middle Rawmary
P.O. Khagrabari
Via Bongaigaon
District-Bongaigaon
Assam

..... Applicant

By Advocate Sri J.L. Sarkar

-versus-

1. Union of India
Through the Secretary,
Small Scale Industries,
Ministry of Industry
Nirman Bhawan,
New Delhi-110011
2. The Director
Small Industries Service Institute,
Bamunimaidam
Guwahati-21
3. The Development Commissioner (SSI)
Ministry of Industry
Nirman Bhawan,
New Delhi-11
4. The Regional Director, (NER),
Staff Selection Commission,
Chenikuthi,
Guwahati-3

..... Respondents

By Advocate Sri A.K. Choudhury, Addl. C.G.S.C.

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ORDER

CHAUDHARI J. V.C.

✓ The applicant belongs to Schedule Tribe. He was selected and appointed as Lower Division Clerk at the Small Industries Service Institutes, Guwahati on 10.10.90. He joined on 1.11.90. Consequent upon the closure of Extension Centres at Tinsukia, Jorhat and F.T.S. the applicant was transferred from Guwahati to SISI, Agartala against an existing substantive vacancy by order dated 10.4.92 passed by the respondent No. 2. The applicant was further transferred to SISI, Aizawl by order dated 28.4.92. ✓ However ~~on 28.1.93~~ his service was terminated by order dated 28.1.93 passed by the respondent No. 2 with retrospective effect from 31.5.92 on the ground that his transfer was irregular. The applicant after exhausting the remedies of representation filed the instant application on 28.2.94 praying for quashing the order dated 28.1.93 terminating his service and for a direction to the respondents to reinstate him treating him as in continuous service and to extend him all service benefits including back wages.

2. The facts of the case are identical with the facts of the companion O.A. No. 84/94 which we have allowed by order separately passed today. We have held in that order that our earlier decision in D.C. Medhi versus Union of India & Others 1994(III)(CAT) Page 447 can be ✓ applied to that case. The applicant ~~in fact~~ is similarly ✓ situated as the applicant, in O.A. No. 84/94 and another

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✓ companion O.A. No. 13/94 which also we have allowed by
✓ separate order, passed today. All the three of them have
been re-employed as Lower Division Clerk by order passed
by the Development Commissioner, Small Scale Industries
✓ dated 3.10.94. Under that order the applicant is posted
at SISI, Agartala, ^{thus} All the three applicants now happened
✓ to be posted at SISI, Agartala. For the same reason, as
are recorded by us in the order on O.A. 84/94 similar
order as passed in that O.A. deserves to be passed in this
✓ case also. It may be mentioned that the contentions urged
✓ by the applicant in the instant case and the contentions
urged by the respondents in their written statement as
well as the submissions of Mr. Sarkar for the applicant
and Mr. A.K. Choudhury, Addl. C.G.S.C. for the respondents
have been similar as in the companion O.A.s.

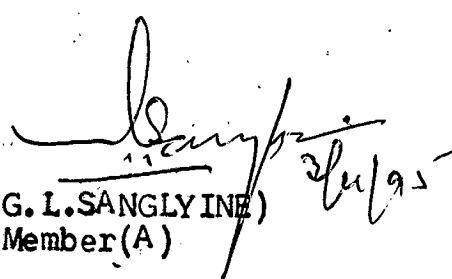
In the result, the following order is passed :

The impugned order of termination of service of
the applicant dated 23.1.93, Annexure-4 is hereby quashed
and set aside. It is declared that the applicant shall be
deemed to have been in continuous service from the date of
initial appointment. It is declared that the order of
re-employment dated 3.10.94 is rendered redundant and shall
be treated as of no effect on the validity of the initial
appointment of the applicant and his being treated as in
✓ continuous service until the date of the said order and
thereafter. We further declare that the applicant is eligible
for all the service benefits treating the period between
the date of termination of his service by the impugned order
till his reinstatement by the order dated 3.10.94 as a

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period ^{on} of duty and direct the respondents to fix the pay on that basis. We make it clear that the applicant will be assigned his seniority in the SSI Unit at Agartala in accordance with the seniority as on the date of the impugned order i.e. 28.1.93 and regulated thereafter in accordance with the rules. We further make it clear that the re-employment of the applicant by order dated 3.10.94 shall be treated for all purposes as reinstatement in the service consequent upon the order of termination dated 28.1.93 ^{being} set aside. The respondents shall pay the wages to which the applicant may be entitled as per the rules for the period between 28.1.93 and the date on which the applicant may have joined duty in pursuance of the order dated 3.10.94.

The application is allowed in terms of the aforesaid order. There will be no order as to costs.


(G.L. SANGLYINE)
Member(A)


(M.G. CHAUDHARI)
Vice-Chairman

trd