

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No.O.A.350/00797/2016

Date of order : 17.07.2016

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

PABITRA MAJI

VS.

UNION OF INDIA & ORS.
(SAIL)

For the applicant : Mr. A. Saha, counsel

For the respondents : Mr. N.C. Bhattacharya, counsel
Mr. L.K. Paul, counsel

ORDER

Per Mrs. B. Banerjee, J.M.

The applicant, a Councillor of Asansol Municipal Corporation is aggrieved in regard to a communication dated 25.03.2016 issued by the SAIL whereby his representations dated 30.01.2016 and 27.02.2016, requesting the IISCO Steel Plant authorities to allow him to join the services of the company without resigning from the elected post of Councillor, have been rejected and he has been advised to join the services of the company on or before 29.07.2016.

2. Ld. Counsel for the applicant relied upon the decisions of the Hon'ble Supreme Court rendered in **State of Karnataka vs. Ammerbi** reported in **SCC 2007 Vol.11 page 681** and **Aku Ram Mahato Vs. Rajendra Mahato** reported in **SCC 1999 Vol.3 page 541**. Said judgments are with regard to filing of nomination papers by the employees of SAIL. The case is exactly opposite here. In the present case a Councillor is asking for employment under SAIL without resigning the elected post of Councillor.

3. Ld. Counsel for the respondents vociferously objected to the claim and invited our attention to the offer of appointment dated 13.01.2016 which explicitly specifies that :-

"7.0 During the tenure of your service with the Company,

a).....

b) Your whole time shall be at the disposal of the Company and you shall not carry on or be connected with or engage yourself, whether directly or indirectly, in any other service or trade or business or profession or occupation or calling whatsoever, either part-time or full time."

Para 17 of the appointment letter further specifies that:-

"17.0 If this 'Offer of appointment' is acceptable to you, please report to the office of Director (M&HS), Burnpur Hospital on the date(s) as mentioned latest by 8.00 A.M. for your medical examination. Failure to report on the said date and time will make you liable for cancellation of this 'Offer of Appointment'. For this purpose, we enclose herewith 3(Three) copies of 'Personal Data-cum-Medical Examination Report' form which are required to be put up with the Medical Authority after filing the desired information by you."

4. The respondents' counsel also invited our attention to the circular dated 02.12.2010 on the subject "Contesting elections to Parliament/Legislature/Local Bodies" which specifically extracts the following :-

"Employees governed by the Standing Orders

(a).....

(b) In all other cases for employees governed under the Standing Orders where such a debarring clause is not there employees will be granted permission to contest elections to Parliament/Legislature/Local Bodies subject to the condition that they have to resign immediately from the services of the Company on being elected."

5. In view of the above, there is no infirmity in the decision of the authority in asking the applicant to resign from the elected post of Councillor of Asansol Municipal Corporation before joining the services of IISCO Steel Plant, Burnpur. Since the time limit to join the services of

IISCO Steel Plant expires ~~today~~ i.e. on 29.07.2016, for the ends of justice, it is extended for a further period of seven days to enable the applicant to resign from the elected post of Councillor and thereafter join the services of IISCO Steel Plant, if he is so advised.

6. Accordingly the O.A. stands disposed of. There shall be no order as to costs.

(JAYA DAS GUPTA)
Administrative Member

(B. BANERJEE)
Judicial Member

sb