

Supreme Court of India

State Of T.N. And Anr. vs P. Bala Krishnan And Ors. on 14 November, 1994

Equivalent citations: (1994) IILLJ 709 SC, 1995 Supp (3) SCC 432

Author: R Sahai

Bench: R Sahai, N Singh

ORDER R.M. Sahai, J.

1. Leave granted.

2. This appeal is directed against the order of the Tamil Nadu Administrative Tribunal, Madras. The respondents were engaged as Graduate Tabulators in the Directorate of Technical Education, Guindy. They approached the Tribunal against the order dated September 27, 1993 notifying that since they had indulged in unlawful activities on September 2, 1993 in the Directorate of Technical Education, Examination Wing, they were not being engaged for the work hereafter. Their claim was allowed. The notice dated September 22, 1993 was set aside and the appellants were directed to retain the respondents in service and regularise them after drawing their inter se seniority. It was further directed that they shall put on the regular time-scale with all consequential benefits with effect from the date of their regularisation.

3. We have heard the learned counsel for the appellants and Shri P.P. Rao, learned Senior Counsel for the respondents. In the objection filed by the State before the Tribunal, it was stated that there was no sanctioned post on which the respondents could be regularised. It has not been found by the Tribunal that this statement was incorrect or that there were posts of Tabulators sanctioned by the Government on which the respondents were working. In absence of any finding by the Tribunal that there were sanctioned posts of Tabulators, the Tribunal was not justified in directing the appellants to regularise the services of the respondents.

4. So far as the notification dated September 22, 1993 is concerned, Shri P.P. Rao, the learned Senior Counsel, may be justified in submitting that it amounted to stigma and before issuing such notice the least that should have been done by the Director was to issue a show-cause notice to the respondents. But if the High Court (sic Tribunal) was satisfied that the procedural requirement was not complied with then it should have directed the respondents to proceed in accordance with law. It instead not only quashed the order but directed reinstatement with all consequential benefits. Nothing further need be said as in view of the allegations in objection filed by the, State that the respondents indulged in organised violence which was not disbelieved by the Tribunal, the Tribunal committed an error of law in trying to find out the reason why the respondents adopted such attitude. The Tribunal, in these circumstances, should have declined to grant any relief to the respondents.

5. In the result, this appeal succeeds and is allowed. The order passed by the Tribunal is set aside. The claim petitions of the respondents are dismissed. But in order to safeguard the future interest of the respondents, it is observed that the observation made in the notification dated September 22, 1993 being without notice shall not be taken as stigma against them in their future employment.