

C.A.No. 9335 OF 1995  
ITEM NO.113

COURT No.3

SECTION XII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No.9335/1995@@  
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Tamil Nadu Health Officers Asson.

Appellant (s)

VERSUS

State of Tamil Nadu & Ors.

Respondent (s)

( with office report )

Date : 01/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Appellant (s) Ms. Indu Malhotra,Adv.

For Respondent (s) Mr. R.A. Perumal,Adv.

Mr. V. Krishna Murthy,Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J.  
.SP2

The appeal is allowed. There shall be no order  
as to costs.

.SP1

(Neelam Kawatra)  
Court Master

(S. Krishnan)  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.9335 OF 1995@@  
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Tamil Nadu Health Officers Asson.

Appellant (s)

versus

State of Tamil Nadu & Ors.

Respondent (s)

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
.SP2

The appellant herein is an Association of Health Officers employed in various Municipal Boards in the State of Tamil Nadu. By Circular dated 29.8.1990, the Director of Municipal Administration abolished the posts of Health Officers in all the Municipalities of the State. The appellant filed an Original Application challenging the Circular dated 29.8.1990 before the Tamil Nadu State Administrative Tribunal, Chennai. Along with the said O.A., the appellant filed an application for grant of interim order. The Tribunal granted interim order as prayed for and thus all the Health Officers continued to work. Subsequently, the O.A. came up for hearing. An administrative member sitting singly dismissed the application filed by the appellant. It is against the said order, the appellant-Association has preferred this appeal. This Court while entertaining this appeal granted interim order to the members of the appellant-Association.

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It is not disputed by the respondents that the single Administrative Member was not competent to decide the original application filed by the appellant herein.

On this short ground, the appeal deserves to be allowed. Consequently, the order and judgment under challenge is set aside and the case is sent back to the Tribunal for deciding the original application filed by the appellant on merits. The appellant may renew its prayer for grant of interim order before the Tribunal, if it is so advised.

The appeal is allowed. There shall be no order as to costs.

.SP1

.....J  
(V.N. Khare)

New Delhi,  
February 01, 2001.

.....J  
(K.G.Balakrishnan)