

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5042 OF 1998@@  
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Commissioner, Kendriya Vid. .. Appellants  
Sangathan & Ors.

Vs.

T. Ramamurthy .. Respondent

O R D E R@@  
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The respondent had been employed on the establishment of the appellants as Physical Education Teacher for a period of four years on adhoc basis at the end of which he was employed by the Parent Teachers Association. When he was not employed by the appellant institution, he filed a Writ petition before the High Court for regularisation of his employment. The Writ petition was allowed. The matter was carried in appeal by the appellants. The Division Bench of the High Court noticed that the respondent had been selected by the Selection Committee and had worked for a period of four years in the appellant's institution but subsequently "transmitted to another organisation" where he had worked for a further period of four years. It is difficult to understand the expression "transmitted". As to how "transmission" can arise in the service of the respondent - When having worked in the appellant's establishemnt for a period of four years on adhoc basis,

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respondent's term came to an end and that relationship snapped and, thereafter, another relationship started with another organisation. It is difficult to appreciate that there could be any transmission in this case when the respondent had not been working on the establishment of the appellant on the date when he filed the Writ petition. He cannot be treated to be in service with the appellant's establishment. In that view of the matter no relief could have been granted as has been done by the Division Bench affirming the order of the learned Single Judge. Hence, the order made by the Division bench affirming the order of the learned Single Judge is set aside. However, it is made clear that if any vacancy arises, and respondent applies for employment, due weightage should be given on the basis of his past experience. The appeal is allowed in the terms stated above.

.....J@@  
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[ S. RAJENDRA BABU ]@@  
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.....J@@  
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[DORAISWAMY RAJU] @@  
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New Delhi, @@  
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October 9, 2001.

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.....L.....I.....T.....T.....T.....T.....T.....J.....  
ITEM NO. 108 COURT NO. 6 SECTION XII A

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. 5042/1998

Commnr. Kendriya Vid. Sangathan .. Appellant (s)  
& Ors.  
Vs.

T Ramamurthy .. Respondent(s)

( With Office Report )

DATE : 9.10.2001 : This/These matter (s) was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : Dr. V. Gauri Shankar, Sr. Adv.  
Mr. S Rajappa, Adv.

For Respondent (s) : Mr. P.S. Narasimha, Adv.  
Mr. Sridhar P., Adv.  
Mr. V.G. Pragasam, Adv.

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

.....L.....I.....J  
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The appeal is allowed in terms of the signed order.

.SP1

(Meenu Sethi)  
Court Master

(Om Prakash )  
Court Master

Signed order is placed on the file