

## NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, Jul.-Nov.-2023

Semester: VII

Subject: Service Law (Constitutional Hons.)

TIME: Three Hours

Marks: 100

*Instructions:*

1. *Attempt any Five Questions.*
2. *Marks for all questions are indicated in the brackets at the end.*
3. *This is a close book exam; no student is allowed to carry any study material.*
4. *No clarification will be sort during examination.*
5. *Brevity will be appreciated*

Q.1 Termination in the present context means bringing about a severance of relationship of employer and employee. It presupposes that such a relationship was validly brought into existence at first place. Thus, it can be said that condition precedent for termination is a legal and valid appointment. There are various modes by which relationship between employer and employee comes to an end. What are the different modes of terminating the relationship explain in detail termination by way of punishment for misconduct and premature retirement. (Marks 20)

Q.2. Explain with suitable case laws:

- i. Regularisation.
- ii. Dominance of rule and Doctrine of pleasure.

(Marks 10+10=20)

Q.3. Ones the employee becomes permanent the contractual relationship turns into the statutory relation hence the standards are laid down by the government. Laying down the conditions of service in their entire gamut pertains to executive policy and within exclusive discretion of the state subject to limitation and restriction envisaged in the Constitution. In the light of the statement explain following concepts:

- i. Reversion and reduction in rank.
- ii. Probation and deputation.

(Marks 10+10=20)

Q.4. In public services, disciplinary action is taken after initiating and completing disciplinary proceedings and the entire procedure for initiating and concluding disciplinary proceedings is governed by rules having statutory force. Discuss in detail the manner and procedure for

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holding disciplinary proceedings against any employee, support your answer with case laws wherever needed. (Marks 20)

Q.5. Analyse the following cases:

- i. Nyadar Singh vs Bhagwan Din Misra AIR 1990 SC2063
- ii. Deokinandan Prasad vs State of Bihar AIR1971 SC 1409. (Marks 10+10=20)

Q.6. Write short note on the following:

- i. Reservation in relation to appointment in services and in promotions.
- ii. Compassionate appointment. (Marks 10+10=20)