

Central Administrative Tribunal, Principal Bench

Original Application No.2879 of 2002

New Delhi, this the 11th day of November, 2002

Hon'ble Mr.Justice V.S.Agarwal,Chairman
Hon'ble Mr.A.P.Nagrath,Member(A)

(2)

Paramvir Singh
S/o late Shri Ram Singh
Village & Post Office: Matan,
Teh. Bahadurgarh,
Distt. Jhajjar,
Haryana

....Applicant

(By Advocate: Shri R.D. Makheja)

Versus

1. The Education Officer,
Kendriya Vidyalaya Sangathan,
(Delhi Region)
JNU Campus, New Mehrauli Road,
New Delhi-67
2. Union of India,
through Secretary,
Department of Education,
Ministry of Human Resources Development,
New Delhi-1

....Respondents

O R D E R (ORAL)

By Justice V.S.Agarwal,Chairman

The applicant was appointed as a Chowkidar, Group 'D' in Kendriya Vidyalaya, NSG Manesar, Gurgaon. He was appointed on probation for a period of two years. His services were terminated on 4.3.99 and it is alleged that it was done w.e.f. January, 1999. By virtue of the present application, the applicant seeks quashing of the said order dated 4.3.99 and a direction to Kendriya Vidyalaya Sangathan to reinstate him back into service and treat him to be in continuous service as if his services had never been terminated.

2. The applicant contends that he had been implicated in a criminal case punishable with reference to

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(3)

Section 376/511 I.P.C.. The learned Additional Sessions Judge, Gurgaon acquitted the applicant and thereupon he has requested for his reinstatement or withdrawal of the order terminating his services but the said request has been turned down. Hence the present application.

3. Our attention has been drawn towards the decision of the apex court in the case of V.P.Ahuja vs. State of Punjab and others, AIR 2000 S.C. 1080. The ratio of the said decision is that if the order of termination is ex-facie stigmatic or punitive, in that case the order simplicitor terminating the services of the applicant will not be valid.

4. We do not dispute the said proposition of law. Can in the facts of the present case, the applicant claim that the order terminating his services is also punitive in nature? In our opinion, the answer would be in the negative. Reasons are not far to fetch. The applicant at the relevant time was on probation. His services had been terminated as pointed above. At that time, the applicant had neither been convicted nor acquitted. When the tenor of the order itself does not indicate that the same has been passed which could show that it was punitive in nature, it is too late in the day now to ask after three years of the same that it is punitive in nature. There is another way to look into it. The impugned order has been passed in March, 1999. The applicant did not represent immediately. He only represented after he was acquitted by the court of Sessions at Gurgaon on 18.8.2001. That has

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little link with the order terminating his services which is not based on the pending criminal case. Resultantly the application must also be held as not in time.

5. As a result of the reasons stated above, the application fails and is dismissed *in limine*

hpd

(A.P. Nagrath)
Member(A)

✓ /dkm/

VS Ag

(V.S. Aggarwal)
Chairman