



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

Chandigarh, this the 13.02.2020
 (Order reserved on: 17.01.2020)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. MOHD. JAMSHED, MEMBER (A)

(I) O.A.NO.060/00129/2019

Sanjay Kumar Tiwari aged 36 years S/o Shri Raghbir Tiwari R/o House No. B-III/536 (T), Post Office Dhurwa, Ranchi, Jharkhand, Pin Code 834004.

(II) O.A.NO.060/00130/2019

1. Amit Sharma aged 36 years S/o Shri Punya Raj Sharma R/o Indrapuri Road No. 6, Ratu Road Ranchi, Jharkhand, Pin Code 834005.
2. M.D. Jamil, aged 33 years S/o Shri K.D. Khalil R/o Rahmat Colony East, Post Office Doranda, Ranchi, Jharkhand, Pin Code 834002.
3. Abhishek Ranjan aged 27 years S/o Shri M.PK. Sinha R/o House No. A/101, A.G. Colony, Near Park Road, Kiriti Electronics, Patna, Bihar, Pin Code 800025.
4. Amit Kishore aged 39 years S/o Shri Birendra Kishore R/o House No. 21-A, Purulia Road Dangratoli Ranchi, Jharkhand, Pin Code 734001.
5. Ratnesh Kumar aged 34 years S/o Shri Vijay Kumar Dubey R/o Sri Rani Jati Mandir Lane, Keshaw Nagar, Ranchi, Jharkhand, Pin Code 834005.



6. Kashif Reza aged 29 years S/o Shri M.D. Islamuddin R/o village Jhamta, Post Office Bans Bari, District Araria, Bihar Pin Code 854311.
7. Umesh Kumar aged 33 years S/o Shri Sahdeo Poddar R/o Village and Post Office Chandan, District Banka, Bihar, Pin Code 814131.

(All applicants are in "Group B").

Applicants

(BY: MR. ARUN TAKHI, ADVOCATE)

Versus

1. Union of India through its Secretary, Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.
2. The Director General, Department of Labour Bureau, SCO 28-31, Sector 17-A, Chandigarh-160017.
3. The Director (Administration), Department of labour bureau, SCO 28-31, Sector 17-A, Chandigarh-160017.
4. Assistant Director, Department of Labour Bureau, Ministry of labour and Employment, Govt. of India, Regional Office (ER) 8, Esplanade East, Rear Block, First Floor, Kolkata-700069.

(BY: MR. SANJAY GOYAL, SR.CGSC)

Respondents



O R D E R(Oral)
[HON'BLE SANJEEV KAUSHIK, MEMBER (J)]

1. This order shall dispose of above two captioned Original Applications (O.As), as the applicants have challenged the action of the respondents on same grounds and likewise is also requested by the learned counsel for the parties.
2. The facts are being taken up from O.A. No. 060/00130/2019. The applicants have approached this Tribunal against the impugned order dated 2.1.2019 (Annexure A-1) whereby their services have been terminated.
3. The facts are not in dispute. The applicants, 7 in number, came to be appointed on contract basis as Investigator Grade II on various dates, as mentioned para 4 (ii) of the O.A, for a period of one year. However, by the impugned order, Annexure A-1, their services have been terminated with immediate effect, due to unsatisfactory performance of their work, which is challenged in the O.A.
4. Mr. Arun Takhi, learned counsel for the applicants vehemently argued that the impugned order carries a



stigma against the applicants and without putting them on notice and on the basis of an enquiry conducted on their back, which is violative of principles of natural justice, their services have been dispensed with, thus, order is liable to be set aside. In support of this, he places reliance on the following judgements :-

(a) **Tara Khanal V. Union Territory, Chandigarh**, (P&H), 2018 (1) SCT 816

(b) **S. Job Kamaraj v. Managing Director (Madras)**, 2018 LIC 676.

5. The respondents have filed a short counter reply wherein they do not dispute the factual accuracy. They admit that the applicants were appointed on contract basis through an Out Source Agency, for a period of one year upto 31.3.2019. It has also not been disputed that an enquiry was conducted about the work and conduct of the applicants where in it was found that instead of visiting the specified Banks / beneficiaries of MUDRA LOAN, they collected data of the beneficiaries of MUDRA LOAN, on telephone. Considering this aspect of the matter, the respondents



have passed impugned order dispensing with their services.

6. Mr. Sanjay Goyal, learned counsel for the respondents vehemently argued that rightly they have terminated the services of the applicants, in accordance with terms and conditions of their contract, as their work and conduct was found to be not upto mark.

7. We have given our thoughtful consideration to the entire matter and perused the material available on record.

8. It is not in dispute that the applicants were appointed on contract basis as Investigator Grade II on different dates for a period of one year. It is upon an enquiry conducted by the respondents and finding that work and conduct of applicants was not upto mark, that the impugned order came to be passed. The contention raised by the applicants in the O.A. that the impugned order castes sigma and they were not associated in any enquiry before passing the impugned order, cannot be denied. As the order itself shows that while dispensing with services of applicants, the



respondents have commented upon their work as being unsatisfactory, based upon an enquiry.

9. Considering the fact that the contract period of the applicants has already expired, therefore, we modify the order of termination that it will not be stigmatic for the applicants for future employment.

10. Both the O.As, stand disposed of accordingly.

11. There shall be no order as to costs.

**(MOHD. JAMSHED)
MEMBER (A)**

**(SANJEEV KAUSHIK)
MEMBER (J)**

Place: Chandigarh
Dated: 13.02.2020

HC*