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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1261/2001

New Delhi, this the 26th day of April, 2002

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Shri Sunil Datta
S/o Shri Sube Singh
R/o H.No. 483/B,
Railway Road, Azadpur Gaon,
Delhi - 110 033

Applicant

(By Advocate : Shri V.K. Mishra)

Versus

1. Union of India
through Secretary,
Ministry of Finance,
New Delhi

2. Debts Recovery Tribunal Delhi,
3rd Floor, Vikram Tower,
Rajendra Place,
New Delhi - 110 008

Respondents

(By Advocate : Ms. Promila Safaya)

O R D E R (ORAL)

Appointed as Peon on daily wage basis on 5.5.1999 (P-1), the applicant was offered temporary appointment to the post of Peon vide respondents' letter dated 1.7.1999 (P-2). On the same date, namely, on 1.7.1999 an office order was issued showing that the applicant had been appointed on ad-hoc basis though, according to the language of the said order, the applicant was "regularised and appointed to the post on ad-hoc basis" initially for a period of six months. The aforesaid ad-hoc appointment was, therefore, to come to an end on 31.12.1999. However, by an order passed on 30.12.1999 (P/3) the service of the applicant as ad-hoc Peon was further extended by a period of three months going upto 31.3.2000. The aforesaid extension was made

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(2)

subject to the final decision of this Tribunal in OA No.882/1999 (Santhok Singh Vs. U.O.I.). The applicant's ad-hoc appointment as above was further extended upto 30.9.2000 whereafter his services stood terminated.

2. The learned counsel appearing on behalf of the applicant submits that the termination of the applicant's service is malafide and is bad in law as no enquiry was held in respect of the charges levelled against the applicant.


3. A perusal of the material placed on record reveals that the applicant was found guilty of not placing certain order sheets on the respective files, and was, for this lapse on his part, warned to be more careful in future. The relevant office memorandum is dated 14.9.2000. Just a little later he was found selling photostat copies of certain documents in the market for ^{+ unlawful +} financial gains. An enquiry was made into the matter. The applicant confessed to having sold the aforesaid documents for Rs.500.00. His confessional statement placed at Annexure 2-A is dated 28.9.2000. The respondent-authority, after the aforesaid confessional statement had been made, proceeded to issue a show cause notice on the same date, namely, on 28.9.2000 (A-6) directing the applicant to submit his reply by 29.9.2000. The applicant has furnished his explanation accordingly on 29.9.2000 (7-A) reiterating the very same facts which he had, in his own hand writing, mentioned in the aforesaid confessional statement. It

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is, therefore, abundantly clear that the respondents have proceeded against the applicant in accordance with the requirement of natural justice. He was a daily wager on ad-hoc basis and was, therefore, not holding a regular post. His service could be terminated on a month's notice without assigning any reason. A full-fledged departmental enquiry was accordingly not required before terminating his services.

4. When a legal notice was served on the respondents, a detailed reply has been given by the Registrar of the Debts Recovery Tribunal, Delhi, on 27.3.2001 (P/7). I have gone through the same and find that it will not be fair to question the bona fides of the respondent-authority. The fact that the applicant was found indulging in malpractices has been brought out in the aforesaid letter and ample reason has been given in support of the respondents' action in terminating the applicant's ad-hoc/daily wage service. There is no whisper of malafide anywhere at any level in this case. Both the pleas taken by the learned counsel for the applicant are, therefore, found to be untenable and are rejected.

5. In the light of the foregoing, the OA fails and is dismissed. There shall be no order as to costs.


(S.A.T. RIZVI)
Member (A)

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