

Central Administrative Tribunal
Principal Bench

O.A. 1810/99

New Delhi this the 18th day of February, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri R.K. Ahuja, Member(A).

Om Pal,
S/o late Shri Duli Chand,
R/o Qr. No. 18, Type-I,
Delhi College of Engineering,
New Campus, Bawana Road, Badli,
Delhi-110 042. Applicant.

By Advocate Shri Madan Lal Kalkar proxy for Shri Satish Kumar Sansi.

Versus

1. Government of NCT of Delhi,
through the Chief Secretary,
5, Sham Nath Marg,
Delhi-110 054.

2. Delhi College of Engineering,
Government of NCT of Delhi,
through its Principal,
Delhi College of Engineering,
New Campus, Bawana Road, Badli,
Delhi-110 042. Respondents.

By Advocate Shri Vijay Pandita.

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved by the respondents in terminating his services under Rule 5 of the Central Civil Services (Temporary Service) Rules, 1972 (hereinafter referred to as "the Rules"). He has prayed that this termination order should be set aside and he should be reinstated in service with effect from the same date, that is 5.3.1999 with all consequential benefits.

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2. We have heard the learned counsel for both the parties and perused the records.

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3. The applicant had joined service with the respondents on 1.1.1991 in the pay scale of Rs.750-940 as Class-IV employee/Group 'D'. He has relied on the definition given in Rules 2(b) and 3 of the Rules which have been quoted in Paragraph 5.2 of the O.A. His claim is that he is to be declared as a "quasi permanent" employee under these Rules on the basis of which he has prayed that the impugned termination order should be quashed and set aside, as the procedure laid down under the Rules has not been followed in his case.

4. Shri Vijay Pandita, learned counsel has brought to our attention the position under the aforesaid Rules (Annexure-I). It is seen that by GSR No. 145 published in the Gazette of India dated 11.3.1989, both Rules 2(b) and 3 of the Rules have been deleted with effect from that date. As mentioned above, these are the very Rules on which the applicant is relying upon, although it is clear from his own averments that he had joined service subsequently on 1.1.1991.

5. In view of the above facts and circumstances of the case, we find no merit in this application. The same is accordingly dismissed. No order as to costs.

R.K. Ahuja
(R.K. Ahuja)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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