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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA.No.2731 of 1999

New Delhi, this 24<sup>th</sup> day of November 2000

HON'BLE SHRI KULDIP SINGH, MEMBER(J)  
HON'BLE SHRI M.P. SINGH, MEMBER(A)

Mahender  
S/o Shri Badri Ram  
R/o H.No.J-216 Jhandelwala Road  
(Near Hari Mandir School)  
New Delhi ...Applicant

(By Advocate: Shri H.K.Pathak)

versus

1. Lt. Governor  
NCT Government  
Raj Niwas Marg  
Delhi-54.
2. The Commissioner  
Delhi Police  
I.P.Estate (Head Quarter)  
New Delhi.
3. Addl. Deputy Commissioner of Police  
Central District, Darya Ganj  
New Delhi-2. ...Respondents

(By Advocate: Shri Ajesh Luthra)

ORDER

Hon'ble Shri M. P. Singh, M(A)

The applicant is aggrieved by order dated 6.4.1999 passed by respondent No.3 terminating his services with effect from 7.4.1999 and order dated 18.8.1999 by which his appeal was rejected.

2. The brief facts of the case as stated by the applicant are that he was appointed as Sweeper in the pay scale of Rs.750-940 with the respondents in the year 1990. He continued to work with the respondents till his services were terminated on 6.4.1999. No prior notice of termination of service such as charge-sheet,

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warning or show cause notice or holding enquiry as per provision of law was ever given to him by the respondents. In fact, no opportunity was given to the applicant by the respondents to prove him innocent. Therefore, the order of termination of service of the applicant after about 10 years of continuous service is illegal, unjustified and violative of Articles 14 & 16 of the Constitution of India. According to the applicant, S.H.O. Paharganj and D.C.P. Shri Arun Kampani had vested interest in one Shri Mukesh who was transferred to GOG Mess and the applicant was thereby transferred to Paharganj with the intention to render him surplus. Since the applicant rendered service with the respondents from the date of his appointment continuously to their entire satisfaction, he should have been considered as a permanent employee and not a temporary employee. Aggrieved by the termination order he has sought relief that he should be re-instated in service with full back wages and continuity of service.

3. The respondents have contested the case and have stated that the applicant was appointed as Sweeper on purely temporary and ad hoc basis and his services were continued for 9 years after usual breaks. He was last re-appointed for a period of 6 months with effect from 7.10.1998 to 6.4.1999. During the period it was reported that he was not taking interest in his official work.



4

He was, therefore, transferred from one Police Station to other only to give him a chance to mend his ways, but he failed to do so. As such, his services were terminated by order dated 6.4.1999. He represented against his termination order to the Joint Commissioner of Police. He was heard by the Joint Commissioner of Police and the appeal filed by the applicant was dismissed vide order dated 18.8.1999.

4. Heard both the learned counsel for the rival contesting parties and perused the record.

5. From the appointment order dated 8.2.1990 (Annexure-3 placed before us, we find that the applicant was appointed on purely temporary and ad hoc basis. As per the appointment order, his services could be terminated at any time without assigning any reason. It was also specifically mentioned in the appointment order that the applicant shall be governed by CCS(Temporary Service)Rules,1965. It was reported that the applicant was not taking any interest in his work and as such, he was not found suitable by the respondents. It was because of this reason, his services were terminated by the respondents. The order passed by the respondents terminating the services is in accordance with Rule 5 of CCS(Temporary Services) Rules,1965. We find that the order passed by the respondents terminating

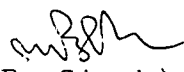
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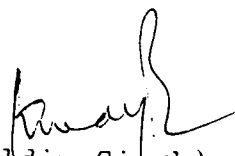
74

the services of the applicant was not punitive in nature. No enquiry was, therefore, required to be conducted by the respondents under CCS(CCA)Rules before termination of his services.

6. In view of the aforesaid reasons, we find no grounds to interfere with the order dated 6.4.1999 passed by the respondents terminating the services of the applicant.

7. In the result, the OA fails being devoid of merit and deserves to be dismissed.. We do so accordingly. No costs.

  
(M.P. Singh)  
Member(A)

  
(Kuldip Singh)  
Member(J)

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