

Central Administrative Tribunal
Principal Bench

R.A.No.49/98
in
O.A.No.283/98

(5)

Hon'ble Mr. Justice K.M. Agarwal, Chairman
Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this the 12th day of March, 1998

Pankaj Kumar Tiwari
s/o Navratna Tiwari
r/o D-II/B-9, Moti Bagh-I
New Delhi. Applicant

Vs.

1. Union of India through
Secretary, Ministry of Defence
South Block
New Delhi.
2. The Director General
Ordnance Services
Ministry of Defence
South Block
New Delhi.
3. The Commandant
Central Ordnance Depot
Delhi Cantt.
New Delhi. Respondents

O R D E R (By Circulation)

Hon'ble Shri R.K. Ahooja, Member(A)

The applicant first came before this Tribunal in OA No.232/98 apprehending that respondents may terminate his services as Fireman Grade-II, a post on which he had been appointed by order dated 10.5.1997. The OA was dismissed as not maintainable giving liberty to the applicant to come again if his services were terminated. The order of termination was issued on 27.1.1998. The contents of that order are reproduced below:

"In pursuant of the proviso to Sub Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965, I, Brig DDS Sandhu, Commandant hereby terminate forthwith the services of Shri Pankaj Kumar Tiwari, Fireman Gde II and direct that he shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of notice at the same rates at which he was drawing them immediately before the

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termination of his service, or, as the case may be, for the period by which such notice falls short of one month."

2. The applicant thereafter filed OA No.283/98. In the aforesaid OA, the applicant submitted that the order of termination was passed on the allegation that his name had not been duly sponsored by the concerned Employment Exchange. The Tribunal held in the impugned order dated 03.02.1998 that the order of termination had been made in accordance with the terms of appointment and the OA was dismissed summarily as no infirmity in the order of termination was found.

3. The Petitioner has now sought a review on the ground that the Tribunal has committed an error on the face of record inasmuch as it did not take into account the averments made by the applicant and the fact that the order is in violation of the procedure and mandatory conditions of employment. He claims that his name had been duly forwarded by the Employment Exchange. Even if had not been, in terms of Supreme Court decision in the case of Anjali Vs. Director of Social Welfare that could not be a ground for non-consideration of his name.

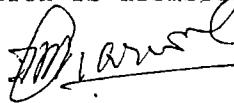
4. We have carefully considered the submissions made by the Petitioner. As will be seen, the order of termination gave no grounds except that it was in pursuance of proviso to Sub Rule 5(1) of the CCS (Temporary Service) Rules, 1965. Admittedly, the applicant was appointed on temporary basis. It was also mentioned in clause (e) of his appointment letter that his services may be terminated on either side by giving one month notice. The order of termination is an order simplicitor and reflects no stigma. There is also no

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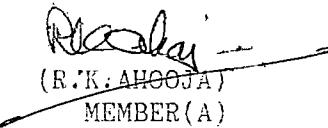
mention in the order regarding any allegation that the applicant's name had not been sponsored by the Employment Exchange. In view of this position, there could be no ground for any further interference/enquiries by the Tribunal and rightly the OA was dismissed summarily. We are therefore unable to see any error patent on the face of record as alleged by the Petitioner.

(7)

5. In view of the above discussion, we find no merit in the Review Petition which is dismissed.


(K.M. AGARWAL)

CHAIRMAN


(R.K. AHOOJA)

MEMBER (A)

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