

(10)
Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1360/95

New Delhi this the 15th day of October 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mrs. Shanta Shastry, Member (A)

Shri Sujan Rachuru
43-09, 40th Street,
3G, Sunny Side,
New York-11104.

...Applicant

(By Advocate: None)

Versus

1. Union of India
through Secretary,
Ministry of External Affairs,
South Block, New Delhi.

2. Counsellor and HOC,
Embassy of India,
Washington. U.S.A.

3. Counsel General,
Consulate General of India,
New York, U.S.A.

4. HOC, Permanent Mission of India,
New York, U.S.A.

...Respondents

(By Advocate: Shri N.S. Mehta)

ORDER (Oral)

By Reddy, J.:-

The applicant was appointed on 2.12.86 as Junior Stenographer in the Consulate General Office at New York w.e.f. 14.8.86 in the pay scale of US Dollars 500-50-800. The appointment was purely on temporary basis and was liable to be terminated with one month's notice. After the applicant was served with notice of termination dated 27.5.94 his services were terminated w.e.f. 1.7.94 by the impugned order. This order is under challenge in the OA. Several grounds have been raised in the OA. It was urged that in the absence any rules for recruitment of the locally recruited staff,

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terminating the services of the applicant on flimsy grounds is illegal. The impugned order is arbitrary. It was also urged that as the applicant was on medical leave commencing from 22.5.94 and as he was advised complete rest he could not attend the office regularly. It was also urged that the impugned order is in violation of the principles of natural justice. Learned counsel for respondents submits that the order of appointment of the applicant was liable to be terminated by issuing notice of 30 day's and the impugned order having been passed in compliance of the said order it can not be said as illegal. It was also submitted that during the period of service the applicant has been habitually absenting himself from work and neglecting his duties and responsibilities with Respondent No.3. Even during the visits of VVIPs, the applicant refused to attend the office. Hence, the applicant's service was terminated by issuing the necessary notice as per the appointment order.

2. None appears for the applicant. Hence, we have decided to dispose of the matter on merits since it is an old matter of 1995. We have perused the pleadings and the record of the case. It is seen from the order of appointment that the applicant was appointed on temporary basis and his services were liable to be terminated at any time on giving 30 day's time without assigning any reasons. It is also stated that the applicant was governed by the rules that may be framed by the Government of India from time to time for locally recruited staff of the Consulate General of India, New York. It is

admitted that no such rules have been framed by the Govt. of India. Hence, the conditions of service are dependent upon the order of appointment. It is clear from Annexure-VII that a letter written by the Consul (PR) on 20.5.94 to the Consulate General of India, New York that the respondent was not satisfied with the work of the applicant. It was found that he proceeded on leave even just prior to the PM's visit. He was also found to be untrustworthy. Thereupon, the Consul General who also found him absent prior to PM's visit asked the consul to issue notice and to dispense with the services of the applicant. Accordingly, the notice dated 27.5.94 has been served upon the applicant giving one month's notice stating that his services are deemed to have been terminated w.e.f. 1.7.94. This order in our view is in accordance with the terms of the order of appointment. In the absence of any rules governing the appointment, it is open to the employer to terminate the services of the employee in accordance with the terms of the appointment order.

3. In State of U.P. and another Vs. Kaushal Kishore Shukla JT 1991(1) SC 108 the Supreme Court held that a temporary Government servant has no right to hold the post, his services are liable to be terminated by giving him one month's notice without assigning any reason either under the terms of the contract providing for such termination or under the relevant statutory rules regulating the

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terms and conditions of temporary Government servants. The ratio of this case squarely covers the point raised in the case on hand.

4. In the circumstances, it cannot be said that the impugned order suffers from any infirmity. The O.A. fails and accordingly dismissed. No costs.

Shanta S

(Mrs. Shanta Shastry)
Member (A)

Mr. R. Reddy

(V. Rajagopala Reddy)
Vice-Chairman (J)

CC.