

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1429/95

New Delhi this the 22nd day of January 1997

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

Shri Rakesh Kumar
Son of Shri Banwari Lal
Ex-peon of Dte. of Employment
Govt. of NCT of Delhi
R/o Vill.& P.O. Bharthal
New Delhi - 110 045.

...Applicant.

(By advocate: Shri B. Krishan)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
5, Sham Nath Marg
Delhi.
2. The Director of Employment & Labour Commissioner
Dte. of Employment
Govt. of NCT of Delhi
No.15, Rajpur Road
New Delhi - 110 054.
3. The Joint Director of Employment
Dte. of Employment
No.2 Battery Lane (Rajpur Road)
New Delhi - 110 054. ...Respondents.

(By advocate: Shri Jog Singh)

O R D E R

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This application was heard alongwith OA Nos.2096, 2108, 2095
2331, 2332, 2471, 2472, 2525, 2526. 2582 of 1994, 39, 217, 345 and
2095/94 of 1995 as the background in which the services of the
applicants in these cases were dispensed with was identical and as
common question of law and facts was involved. All these
applications refer to termination of services of Class-IV
employees under the Directorate of Employment on ad-hoc basis
during a particular time. However, as each of the case presents
its own special features, we find that it is more convenient to
dispose of the applications individually though heard together.

2. Applicant in this case has assailed the order of the
second respondent dated 8.12.94 by which his services along with
the services of four others were discontinued with on the ground
that the appointments were made erroneously & irregularly by a Joint Director

The facts are as follows:

2. The applicant was given an offer of appointment dated 1.2.93 as a peon on ad-hoc basis. While he was continuing so, the impugned order was passed without giving any notice or an opportunity to show-cause. The order, according to the applicant, was passed on grounds of certain difference of opinion between the respondent and the Joint Director. The order is vitiated, according to the applicant, null and void and prays that the same may be set aside and the respondents be directed to reinstate him in service.

3. Respondents in their reply contend that on receipt of certain complaints, a probe was conducted into the recruitment of class-IV employees during 1992-93 which led to the finding that the appointments were made irregularly, illegally and against the sanctioned strength by the then Joint Director for ulterior motives, placing the official under suspension and that in the public interest, it was decided to discontinue the services of those who were illegally appointed including that the applicant and that as the action was taken in the public interest, no judicial interference is called for. They also contend that the whole matter is under investigation.

4. We have heard the learned counsel on either side and have perused the records as also the file which led to the passing of the impugned order.

5. We find from the file that a probe has been made into the appointments for class-IV employees in the Directorate of Employment during 1992-93, that certain irregularities and illegalities in the appointments were noted, that the matter is under investigation and that it was found that there was no post on which the appointment could be made that the services of those who were appointed were discontinued. The applicant was appointed

on ad-hoc basis and his services were discontinued finding that there was no post and also that there were irregularities in the appointment. The order discontinuing the services of the applicant does not amount to a stigma. In these circumstances, we do not find any justification for judicial intervention.

In the result, the application is disposed of with the following observations/directions:

- (a) The applicant's prayer for setting aside the impugned order is not granted.
- (b) If on the conclusion of the investigation it is established that the appointment of the applicant was not irregular and vitiated, the respondents shall consider the resumption of the services of the applicant.

No order as to costs.



(K. Muthukumar)

Member (A)



(A.V. Haridasan)

Vice Chairman (J)

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