

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.39/95

20
New Delhi this the 22 day of Jaunary 1997

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

Mahinder Singh
S/o Shri Lakhman Chand
R/o Vill. Narela H.No.1961
New Delhi - 40

...Applicant

(By advocate: Shri V.P.Sharma)

Versus

1. Govt. of NCT of Delhi
The Chief Secretary
Old Secretariate
Delhi
2. The Director
Directorate of Employment
16 Rajpura Road
Delhi.
3. The Joint Director
Dte. of Employment
2 Battery Lane
Delhi
4. The Sub Regional Employment Officer
Employment Exchange
R.K.Puram, New Delhi.

...Respondents.

(By advocate: Shri Jog Singh)

ORDER

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

This application was heard alongwith OA Nos.2096, 2108, 2095/94
2331, 2332, 2471, 2472, 2525, 2526, 2582 of 1994, 1, 217, 345 and
1429 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 discontinuance 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.

Applicant has assailed the order dated 13.12.94 by which his services were discontinued. The facts are as follows:

2. The applicant was initially given an offer of appointment on ad-hoc basis to the post of Sweeper cum Chowkidar for 89 days w.e.f.18.11.92. Thereafter the applicant was offered the appointment as peon vide order dated 8.4.93. On acceptance of the offer and after completion of the procedural formalities, the applicant joined his duty as peon. While he was in service, the impugned order was passed terminating his services. The order is assailed on the ground that it is violative of the principles of natural justice as he has not been given an opportunity of being heard before his services were terminated.

3. Respondents contend that the impugned order was passed as on a probe into the appointments made of class-IV employees during 1992-93 in the Dte. of Employment by the then Joint Director, it was found that all the appointments were made violating the recruitment rules without there being any vacancies and placing the official under suspension and that in the circumstances, the appointments including that of the applicant were discontinued with immediate effect and it was decided to refer the matter for an investigation by the Anti-Corruption Department. As the decision to discontinue the services of the applicant was taken bonafide and as the applicant has no valid right to hold the post, the respondents contend that the impugned order is justified.

4. We have heard the learned counsel on either side and have perused the pleadings and materials as also the file which led to the issuance of the impugned order. On a scrutiny of the materials available on record as also the file which was made available for our perusal by the learned counsel for the respondents, we are convinced that no judicial interference is called for with the decision taken for discontinuing the appointment of the applicant.

(2)

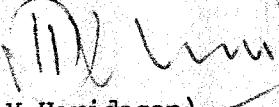
It is seen that the matter is under investigation and the decision taken was in the administrative interest. Even assuming that the applicant's appointment is not vitiated, as the applicant was only a probationer and as the order discharging him does not carry any stigma, we are of the considered view that no exception can be taken to that. However, if after the completion of the investigation it is established that the appointment of the applicant was not irregular or vitiated then the respondents have to consider the resumption of his services. In the result, the application is disposed of with following directions:

- (a) The prayer for quashing the impugned order is not granted.
- (b) If on completion of the investigation it is established that the appointment of the applicant was not vitiated the respondents shall consider the resumption of his services.

No order as to costs.


(K. Muthukumar)
Member (A)

aa.


(A.V. Haridasan)
Vice Chairman (J)