

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.834/1997

New Delhi, this 23rd day of October, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. M.P. Singh, Member(A)

Ex-PSI Yogendra Kumar Verma
3/5/35-4, III Floor
SSST, gopi Nath Bazar, Delhi cantt. ... Applicant
(By Shri V.P. Sharma, Advocate)

versus

1. Chief Secretary
Govt. of NCT of Delhi
Old Secretariat, Delhi
2. Commissioner of Police
Delhi Police Hqrs., New Delhi
3. Dy. Commissioner of Police
Special Branch, Delhi Police Hqrs.
New Delhi ... Respondents

(By Ms. Neelam Singh, Advocate)

ORDER(oral)

By Mr. Justice Ashok Agarwal

We have perused the impugned order. The order of termination of the services of the applicant does not cast any stigma. The appointment of the applicant was purely temporary and his services could be terminated without assigning any reason therefor. The impugned order in the circumstances we find ~~will~~ ^{can} not be termed unjustified on the ground that the same has been issued without following due procedures as laid down in Articles ~~14 and 16~~ of the Constitution.

2. It is true that in the counter filed on behalf of the respondents it has inter alia been averred that the applicant after his appointment was detailed to undergo basic training at PTS, Jharoda Kalan, New Delhi which commenced from 15.5.1995 but the applicant neither reported to P/PTS, Jharoda Kalan, New Delhi for the basic training nor sent any kind of information and

N.D.P.

remained unauthorizedly absent from training at his own will. Accordingly he was directed through a special messenger to report to the Civil Surgeon, Rajpur Road, Delhi if he was ill for second medical examination. The letter was sent to the applicant by post as well as through special messenger but the applicant could not be found present at his given address. But he did not present himself before the Civil Surgeon, Rajpur Road for second medical examination. He was accordingly treated as unauthorizedly absent for 57 days without any kind of information to the department. Though in the counter filed ~~the~~ aforesaid averments have been mentioned ~~the same have been mentioned~~ as ~~the~~ background in respect of service record of the applicant; the same cannot be construed as ~~the main~~ ground on which services of the applicant have been terminated. The applicant was a temporary government servant and he was governed by the Central Civil Services (Temporary) Services Rules, 1965. His services ^{validly} in the circumstances ~~ould be formally~~ terminated by issuing one month's notice without assigning any reason. The impugned order of termination of service by issuing one month's notice and without assigning any reason in the circumstances is just and proper and it does not call for any interference. The present OA, in the circumstances, is dismissed. There shall, however, be no order as to costs.

m/s
(M.P. Singh)
Member(A)

Ashok Agarwal
(Ashok Agarwal)
Chairman

/gtv/