

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2108/94

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)

Basant Lal Sharma
Son of Shri Mangat Ram Sharma
R/o A-255 Jahangirpuri
Delhi - 33.

...Applicant.

(By advocate: Shri C.B.Verma)

Versus

1. Govt. of NCT of Delhi
through Chief Secretary
5 Shamnath Marg
Delhi.

2. Director of Employment
Govt. of NCT of Delhi
2, Battery Lane
Delhi.

3. Shri Rakesh Kumar

4. Shri Shamsher Singh

5. Shri Raghubir Singh

...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. ~~2108~~, 2331, 2095, 2471, 2472, 2525, 2526, 2582 of 1994 , 39, 217, 345 and 1429 of 1995 as the background in which the services of the applicants in these cases were discontinued was identical and as common question of law and facts was involved. All these applications refer to discontinuation 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.

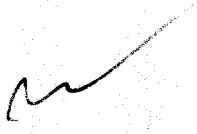
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2. This application is directed against order dated 4.8.94 by which the services of the applicant were discontinued on the ground that his appointment was erraneous, irregular and unauthorised. The facts are as follows:

3. The applicant was given an offer of appointment on 16.11.92 which he accepted. He joined his duty on 9.2.93. While working so, the impugned order was passed discontinuing his services. The impugned order was passed without issuing him a notice, according to the applicant, is violative of Article 311 of the Constitution and, therefore, the applicant seeks to have the impugned order set aside, with consequential benefits.

4. Respondents in their reply contend that on a probe into the appointments for class-IV employees in the Directorate of Employment during 1992-93 by the then Joint Director, it was noticed that the appointments were made with ulterior motives against non-existent vacancies, placing the official under suspension, and that it was decided to discontinue the appointments in the public interest as the matter has been referred for investigation. The respondents contend that the applicant is not, therefore, entitled to any relief.

5. Having heard the learned counsel for the parties and having perused the relevant records as also the file which led to the passing of the impugned order, we are of the considered view that there is no justification for judicial intervention. The file discloses that the action taken by the respondents is bonafide. Though the applicant had served for more than 2 years, as no order of confirmation of the applicant on the post was issued by the competent authority, his status even beyond the period of 2 years is that of a probationer only. In these circumstances, we are of the

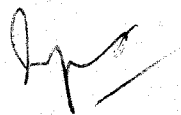


considered view that the impugned order cannot be faulted.

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

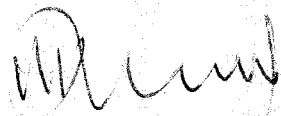
- (a) The prayer of the applicant for setting aside the impugned order is not granted.
- (b) However, if on the conclusion of the investigation it is found that the appointment of the applicant was not erraneous and vitiated, the respondents shall consider the resumption of the services of the applicant.

No order as to costs.



(K.Muthukumar)

Member (A)



(A.V.Haridasan)

Vice Chairman (J)

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