

Central Administrative Tribunal
Principal Bench: New Delhi
OA NO.2582/94

New Delhi this the 9th day of January 1997.

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

Suresh Chand
Son of Baljit Singh
R/o Vill. Narela
House No.1961
New Delhi - 110 040.

...Applicant.

(By advocate: Shri V.P. Sharma)

Versus

1. NCT of Delhi
through the Chief Secretary
Old Secretariat, Delhi.
2. The Director
Dte. of Employment
16, Rajpura Road
Delhi.
3. The Joint Director
Dte. of Employment
2, Battery Lane
Delhi.
4. The Sub Regional Employment Office
Employment Exchange
R.K.Puram New Delhi.

...Respondents.

(By advocate: Shri Jog Singh)

O R D E R

This application was heard alongwith OA Nos.2096, 2108, 2331, 2332, 2471, 2472, 2525, 2526. 2095 of 1994, 39, 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.

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Sweepers cum Chikidar
State of Odisha 1991-1992
80/4424
5-12-92

2. The applicant was given an offer of appointment as peon on 17.6.92 which he accepted. He was on a probation for a period of 2 years. The period of probation was not extended. But without even giving a show-cause notice, the impugned order dated 20.12.94 discontinuing his services with immediate effect was passed on the ground that the appointment was erraneous, irregular and unauthorised. The applicant has assailed this order on the ground that it is vitiated by violation of Article 311 of the Constitution. The applicant, therefore, seeks to have the impugned order quashed and for a direction to the respondents to reinstate him in service.

3. Respondents in their reply have contended that the appointment of the applicant was irregular, in excess of the sanctioned strength of the establishment, without proper selection made by the then Joint Director, that the illegal appointments were probed into on various complaints received, that the entire matter has been referred to Anti-Corruption Department for an investigation and that the services of the applicant were discontinued in the public interest.

4. We have perused the pleadings in this case and have heard learned counsel for the parties and have also perused the file which led to the passing of the impugned order discontinuing the services of the applicant and several other persons appointed in similar circumstances during that particular period. The applicant was not confirmed even though he had completed the period of probation. As he was not confirmed, his continuance even beyond the period of probation can only be that of a probationer. The file produced by the learned counsel for the respondents discloses that the entire matter of appointments including that of the applicant is under investigation. In these circumstances, as the impugned order does not cause any stigma to the applicant, it appears to have been made bonafide and in the public interest. We do not find any reason to

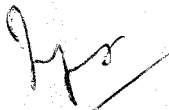
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interfere with the impugned order.

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

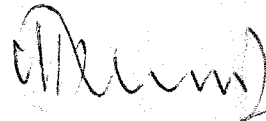
- (a) The claim of the applicant for setting aside the impugned order is not granted.
- (b) Respondents are directed that if on the conclusion of the investigation it is established that the appointment of the applicant was not vitiated for any reason, the respondents shall consider the resumption of the services of the applicant.

No order as to costs.



(K.Muthukumar)

Member (A)



(A.V.Haridasan)

Vice Chairman (J)

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