

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.89/94

New Delhi this the 14th day of January, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman
Hon'ble Mr. B.K. Singh, Member(A)

Sh. Lalit Singh,
S/o Sh. Dharam Raj Singh,
R/o 647, Sector-7,
Pushpa Vihar,
New Delhi.

Petitioner

(By advocate Sh. B.B. Raval)

versus

1. Union of India
through the Secretary,
Dept. of Personnel & Training,
Govt. of India,
North Block, New Delhi.

2. The Director,
Central Bureau of Investigation,
Govt. of India,
C.G.O. Complex,
Lodhi Road,
New Delhi.

Respondents

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The order dated 1.2.1993 passed by the Superintendent of Police in the purported exercise of powers under the proviso to sub-rule(1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 terminating the services of the petitioner is being impugned in the present application.

In the impugned order it is recited that the services of the petitioner are being terminated forthwith. It is also directed that the petitioner shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of notice at the same rates at which he was drawing them immediately before the termination of his service.

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(3)

On 8.1.1991, the Superintendent of Police appointed the petitioner as a Constable on a purely temporary post. The terms of the appointment were also indicated in the letter of appointment. The terms, as material to the present case, are:-

- (1) The post is purely temporary.
- (2) The appointment may be terminated at any time by one month's notice given by either side viz. the appointee or the appointing authority, without assigning any reasons. The authority, however, reserves the right of terminating the service of the appointee forthwith, or before the expiration of stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice of the unexpired portion thereof.
- (3) The appointee will be on probation for two years which can be extended by the competent authority. During this period of probation including extended period, if any the appointment of the person is liable to be terminated without any notice and without any reason being assigned, by the appointing authority. After the period of probation is over the services can be terminated by a month's notice on either side.

The termination of the service of the petitioner is in accordance with the conditions of appointment. They are in accord/as contained in

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(4)

proviso to sub-rule(1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965. On the face of it, we find no infirmity in the impugned order. The petition is dismissed summarily.


(B.K. Singh)
Member (A)


(S.K. Dhaon)
Vice-Chairman

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