

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1094/94

New Delhi this the 27th Day of May, 1994.

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

Shri Hari Chand,
S/o Shri Amir Chand,
R/o Qr.No.19, Compound No.4,
Delhi Gyan Khana Club Ltd.,
2, Sadarjung Road,
New Delhi-11.

Applicant

(By advocate Sh. V.K. Rao)

versus

1. Union of India,
through the Secretary,
Ministry of Civil Supplies,
New Delhi.
2. The Director General,
Bureau of Indian Standards,
Manak Bhawan, 9, B.S.Z. Marg,
New Delhi.

Respondents

ORDER(ORAL)

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

The applicant who was working as a Driver is aggrieved by the order dated 25.6.1993 passed by the Deputy Director General (Admn.), Bureau of Indian Standards terminating his services with effect from the afternoon of 25.6.1993. In the impugned order, it is recited that the applicant will get one month's pay in lieu of one month's notice.

On 29.5.1991 by means of memorandum, the applicant was given an appointment as a Driver. The terms of appointment as material are these. The applicant shall be on probation for the period of 2 years which may be extended by the Appointing Authority of the Bureau. During the period of

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probation, his services may be terminated with one month's notice or pay in lieu thereof without assigning any reason. The conditions of his services shall be the same as applicable to the employees of the Central Government.

Admittedly, the impugned order was passed within a period of 2 years from 29.5.1991. Therefore, there can be no escape from the conclusion that the applicant had not been confirmed on or before the date of passing the impugned order. It appears that on 19.4.1993, the applicant was called upon to give an explanation as to why disciplinary action should not be taken against him. On 7.7.1993 the applicant gave an explanation wherein he admitted his fault. He, however, made a prayer that he may be proceeded with departmentally, if necessary.

The impugned order has been passed strictly in terms of the letter of appointment. As already indicated, his services were liable to be terminated with one month's notice or pay in lieu thereof without assigning any reason. We are not impressed by the submission made by the learned counsel for the applicant that the respondents should have stuck to their stand and should have resorted to disciplinary proceedings before passing the order of termination. It was within the discretion of the Appointing Authority to exercise the power of not confirming the applicant in service immediately after the expiry of the period of probation. The only law is that for passing an order of confirmation the over all assessment of a person has to be made. For adjudging the suitability, the respondents were

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fair enough to the applicant to give him an opportunity to explain his conduct. The applicant availed of that opportunity. The authority concerned did not consider it worthwhile to accept the apology offered by the applicant. He decided to exercise his power of terminating the services of the applicant during the period of probation.

All told, we are satisfied that the impugned order, if read alongwith the attending circumstances, is not stigmatic in character but has been passed merely on the ground that the authority concerned has not found the applicant suitable.

The application is rejected summarily.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER (A)

S.K. Dharon
(S.K. DHARON)
VICE CHAIRMAN

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