

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 2593/2000

New Delhi this the 29th day of November, 2001

Hon'ble Shri V.K. Majotra, Member (A)

Madan Lal Meena
S/o Shri Chiranji
Ex-Peon, Employee Code No. 7661
Office of the Comptroller &
Auditor General of India,
New Delhi

-Applicant

(By Advocate: Shri U. Srivastava)

Versus

Union of India through

1. The Comptroller & Auditor General
of India, New Delhi.
2. The Director (Personnel),
Office of the Comptroller & Auditor
General of India
New Delhi.

-Respondents

(By Advocate: Shri M.K. Gupta)

O R D E R

The services of the applicant who was appointed to the post of Peon Group 'D' Annexure A-5 dated 29.4.93 were terminated vide Annexure A-1 dated 29.8.96 under sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965. The applicant has challenged such termination of his services stating that whereas he had been serving with the respondents to their entire satisfaction, his services have been terminated arbitrarily and unjustly. The applicant has sought quashing and setting aside of termination of his services and direction to the respondents to reinstate him in service with all consequential benefits.

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2. Learned counsel of the respondents contended that the applicant has challenged Annexure A-1 after lapse of a period of 3 years and 9 months and that appeal against the order dated 23.10.96, whereby his services were terminated, was also rejected on 4.2.97. Therefore, this OA is badly hit by limitation. The learned counsel also controverted the contention of the applicant that he had rendered satisfactory service till the impugned order was issued by stating that in a brief span of service of little over 3 years, the applicant remained absent from duty for 331 days in different spells. He was issued Memorandum on several occasions. His appointment was purely temporary and was to be governed by C.C.S. (T.S.) Rules, 1965. Thus, the respondents have not faulted in any manner by terminating applicant's services under Rule-5(1) *ibid.*

Rule-5 reads as follows:-

"Rule-5 (1) (a) The services of a temporary Government servant shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant;

(b) the period of such notice shall be one month:

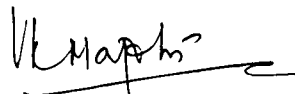
Provided that the service of any such Government servant may be terminated forthwith and on such termination the Government servant shall be entitled to claim a sum equivalent to the amount of pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services or, as the case may be,

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for the period by which such notice falls short of one month".

3. It is an admitted fact that the applicant was appointed vide order dated 29.4.93 (Annexure A-5) on a purely temporary basis under the aforesaid rules and that his service was liable for termination without assigning any reason under the same rule. Applicant's services were terminated vide Annexure A-1 dated 29.8.96 and his appeal there against was rejected vide order dated 4.2.97^{1/2}. The applicant has contended that he has been submitting representations at various levels against termination of his services but of no avail. Obviously, applicant's case is badly hit by limitation. It is settled law that repeated representations do not extend the period of limitation. Reliance is placed on Hon'ble Supreme Court decision in the case of Ramesh Chand Sharma Vs. Udham Singh Kamal J.T. 1999 (8) SC 289. I have also considered various other grounds raised in the petition. The applicant's services have been terminated under Rule-5(1) *ibid* and applicant's claim that his services were satisfactory, is also not established.

4. Having regard to the above discussion and the provisions contained in Rule-5(1) *ibid*, I do not find any infirmity in the impugned orders. Accordingly, this OA is dismissed being devoid of merit. No costs.


(V.K. Majotra) 29.11.2001
Member (A)

cc.