

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. NO. 318/2000

(3)

New Delhi this the 23rd day of February, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SMT. SHANTA SHASTRY, MEMBER (A)

Vimal Singh, No.D/1386,
Dr. R.P>Singh, M.O. I/C
PHD Jarwal Kasba,
Distt. Bahraich,
U.P. 272902.

... Applicant

(By Shri Vishwajit Singh, Advocate)

-Versus-

Union of India through
Secretary, Department of Defence,
South Block,
New Delhi.

... Respondent

O R D E R (ORAL)

Smt. Shanta Shastry, AM :

The applicant was selected to the post of temporary Sub Inspector in Delhi Police and joined the post on 14.5.1995. While undergoing training he proceeded on leave on 29.5.1995 for two days. He applied for extension of leave from 31.5.1995 till 13.6.1995 along with medical certificate. He again requested for extension of leave upto 27.6.1995 and thereafter upto 6.8.1995. His services were terminated on 1.8.1995. However, he was reinstated on 6.3.1996 after he made a representation. Thereafter, he resumed duties on 30.9.1996, but again proceeded on leave on medical grounds w.e.f. 11.10.1996 upto 31.1.1997. This time, again, his services were terminated on 6.2.1997. Since the applicant was under

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probation, his services were terminated under sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 without notice with a direction to pay him one month's salary and allowances in lieu of the notice period.

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2. The applicant states that both the times he was down with jaundice and he had a genuine reason for remaining absent. He had produced medical certificates. The second time he was also asked to report for training alongwith fitness certificate but when he reported, he was actually terminated.

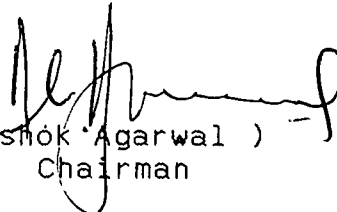
3. We find that the applicant has no case. He was given one opportunity and this being a disciplined police force, they could not afford to have people falling sick now and then. The respondents cannot be faulted with for terminating his services. We, therefore, reject the application at the admission stage itself.

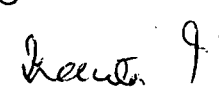
4. Though the termination order stated that the applicant will be entitled to claim one month's pay and allowances in lieu of the period of notice, the applicant states that he has not received the same. The applicant further states that he has also not received his salary for the training period. Respondents are directed to pay one month's salary and allowances as directed in the order of termination as well as whatever salary is due to the applicant for

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his training period. This may be done within a period of one month from the date of receipt of a copy of this order.


(Ashok Agarwal)
Chairman


(Shanta Shastry)
Member (A)

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