

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 417/2000

(6)

New Delhi, this the 13th day of September, 2000

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Munendra Kumar son of
Sh. D.Kumar r/o 303, Bhagwantam
Hostel, Probyn Road,
Timarpur, Delhi-54. Applicant
(By Advocate: Sh. H.C.Sharma)

VS.

Union of India through
Director,
Scientific Analysis Group
Defence Research & Development
Organisation,
Ministry of Defence,
Metcalf House,
Delhi. Respondents
(By Advocate: Sh. R.P.Agarwal)

ORDER (ORAL)

By Mr. Justice Ashok Agarwal,

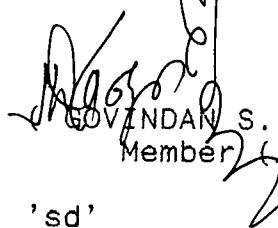
Applicant was appointed as Lower Division Clerk (LDC, for short) in the Ministry of Defence, Scientific Analysis Group, Defence Research & Development Organisation, Government of India w.e.f. 21.5.97. His services have been terminated by an order issued on 29.4.99. Aforesaid order of termination is impugned by the applicant in the present OA. A prayer is made for a direction to take him back and continue ~~them~~ in service.

2. In our judgment there is no merit in the aforesaid claim sought for by the applicant. By the aforesaid order of appointment of 21.5.97, the applicant was appointed on temporary basis. His appointment was on probation for a period of 2 years. The order of appointment clearly specifies that during the probationary period and thereafter his

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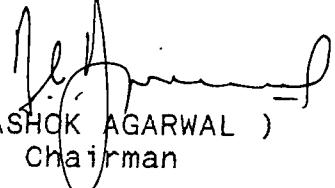


appointment will be terminated at any time by one month's notice being given by either side, i.e., by the applicant or the appointing authority without assigning any reasons. The order further clarifies that the appointing authority has reserved the right of termination of his service forthwith before the expiry of the stipulated period of notice by making payment to the probationer of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion. As far as the order of termination is concerned the same terminates the service of the applicant forthwith. The order further provides that the applicant shall be entitled to a sum equivalent to amount of his pay and allowances for a period of one month which is the period of the notice provided in the order of appointment of 21.5.97. The order of termination gives a notice to the applicant for termination of his service forthwith and in lieu of the notice of one month he has been paid his pay and allowances for the period of the notice. Aforesaid order of termination in the circumstances, we find, is fully justified. The same does not suffer from any infirmity. The present OA, in the circumstances, is dismissed without any order as to costs.



GOVINDAN S. TAMPLI)
Member (A)

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(ASHOK AGARWAL)
Chairman