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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.2508/89

New Delhi this the 13th day of May, 1994.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Shri Suresh Chand Verma
S/o Shri Deep Chand Verma
R/o 9/5465 Gali No.2
Purana Seelampur, DELHI.

...Applicant

Advocate : None

VERSUS

1. Delhi Administration, Through
Lt. Governor Delhi
Raj Niwas, Delhi.
2. Addl Director of Education
(Adult Education)
Education Directorate,
DELHI.

....Respondents

Advocate : None

ORDER (Oral)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

By the order dated 24/27.8.81, the applicant was given appointment as P.G.T. (Political Science) on permanent part-time in Government Adult Senior Secondary School, Kinari Bazar, Delhi. The applicant joined that post and continued to work there. The conditions of appointments were that the post is permanent after completion of two years service in Adult Education School; he was given an opportunity for direct appointment in regular scale to the post of PGT or TGT along with others. The applicant may be given one month's notice on either side. Other terms and conditions of service shall be applicable by administrative orders by the department made effective from time to time. Some complaint case was filed against the applicant in a criminal case and the by the memo dated 8-7-87, the applicant was called before the

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Vigilance Branch of the Directorate of Education, Delhi. The applicant was also arrested in that criminal case and he was directed to file the order granting him anticipatory bail by the memo dated 9-2-88. However, by the order dated 1-12-89, the services of the applicant were terminated with immediate effect. Aggrieved by the same, the applicant has filed this application praying for the grant of the reliefs that the order dated 1-12-89 be quashed and the applicant be given all consequential benefits. He has also prayed for the reliefs that clause 4 of offer of appointment which gives the power to the respondents to dispense with the services of the petitioner with immediate effect be declared as ultra vires. By the order dated 2-2-90, the Tribunal directed that the impugned order dated 1-12-89 should not be given effect to by the respondents and the applicant should be allowed to join duty immediately. In pursuance to the aforesaid order, the applicant was allowed to join duty on 5-3-1990.

2. The respondents have taken the stand that since the applicant was not governed by CCS Rules as are to regular government employees and the applicant being involved in a criminal case, his services were terminated as per terms and conditions of his appointment.

3. We have gone through the pleadings of the parties. None is present on behalf of either of the parties and so we propose to decide the case on merit. The criminal case against the applicant was on the basis of an FIR registered with Gandhi Nagar under sectionm 341,427,34, IPC. These offences do not involved moral taptitude. The FIR was lodged as per the averment in the rejoinder at the instance of the brother of the applicant who is serving in Delhi Police as S.I. It is said that the applicant was having a dispute with his brother over family property and since he did not relinquish his share in property, in order to cheat the applicant, the false complaint was got registered. It does not


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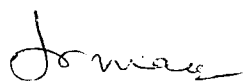
stand to reason as to how the services of the applicant can be dispensed with as the criminal case was concerned with his personal life and had nothing to do with his profession. The applicant was performing his duties and he has not committed any misconduct during the course of his employment nor he was any time given any show cause notice regarding performance of his duties as PGT. The applicant, therefore, could not have been terminated in an arbitrary manner.

4. By the order of the Tribunal, the applicant had already been engaged and joined his services w.e.f. 5-3-1990. Since nobody is present, the latest position regarding services of the applicant and whether he is still working as permanent part-time teacher is not revealed from the record.

5. In any case, the impugned order dated 1-12-89 is illegal and cannot be sustained. Since the applicant did not perform any work before he was allowed to join on the basis of the interim direction of the Tribunal by the order dated 2-2-90, he cannot claim any wages for that period. It is also in view of the fact that if such a part-time teacher is to perform any other functions, at that time, he is to obtain a permission before joining any particular job.

6. The application, therefore, is partly allowed and the impugned order dated 1-12-89 is quashed and the applicant shall continue to serve as part-time teacher or in any other capacity as desired by the respondents unless his services are no more required or he suffers a casualty because of some disciplinary action. In the circumstances, the parties to bear their own costs.


(B.K.SINGH)
MEMBER(A)


(J.P.SHARMA)
MEMBER(J)