

Date	Office Report	Orders
		<p>22-3-84 <u>OA 550/85</u></p> <p>Miss Rukmini Anand Counsel for applicant None for the respondent.</p> <p>Heard order pronounced in open Court & Dismissed. Bench consists of Justice Mr Justice V.S. Malhotra & Harkishan Singh (Adv.)</p> <p><u>BD</u> <u>X</u> <u>CSC</u></p>

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 550/89

New Delhi this the 22nd day of March, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Smt. Vinod Kumari W/O Bengali Singh,
R/O F-4008, Netaji Nagar,
New Delhi. ... Applicant

By Advocate Ms. Veena Kalra for Ms. Pinky Anand

Versus

1. Union of India through
Ministry of Home Affairs,
through its Home Secretary,
North Block, New Delhi.
2. Central Bureau of Investigations
through its Director,
CGOC Complex, Block, No.3,
Lodi Road, New Delhi. ... Respondents

None for the respondents

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath -

The petitioner was offered a temporary appointment on coming to know that her husband who was a Constable had disappeared from 17.4.1985. We are concerned in this case with her termination by the impugned order dated 20.2.1989 (Annexure-H). Her services have been terminated by giving one month's notice commencing from 20.2.1989. She has challenged the said termination.

2. The learned counsel for the petitioner urged that no inquiry was held and no opportunity was given to the petitioner of showing cause and that the impugned order is not a speaking order. The order of appointment of the petitioner has been produced by the respondents with their reply to show that she was appointed on

compassionate grounds on 9.3.1988 purely on a temporary basis expressly stating that her services shall be governed by the CCS (Temporary Service) Rules, 1965. Her services were terminated by the impugned order dated 20.2.1989 which reads, "In exercise of powers under sub-rule 1(a) & (b) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, the undersigned hereby terminates the services of Smt. Vinod Kumari, purely temporary Peon, CBI Head Office, New Delhi with effect from the Fore Noon of 20th March, 1989 after expiry of one month period of notice commencing from 20.2.1989." It is clear from this order that no stigma was attached by the impugned order dated 20.2.1989. No reasons are stated nor is it alleged that her services have been terminated for her misconduct nor does it state that any stigma is attached by the terms of the impugned order. In the circumstances it is well settled that the authority competent is empowered by sub-rule (1) (a) & (b) of Rule 5 of the CCS (Temporary Service) Rules to terminate the services of a temporary Government servant. No reasons need be assigned for such termination nor an inquiry need be held. That is what is now laid down by the Supreme Court in its latest pronouncement in JT 1991 (1) SC p. 108 between State of U.P. & Anr. vs. Kaushal Kishore Shukla. The said judgment is consistently followed by the Tribunal. Learned counsel for the petitioner, however, invited our attention to the decision of the Tribunal reported in 1993 ATC 663 in support of her case that an inquiry should have been held in this case. A bare reading of the said judgment

makes it clear that it does not support the case of the petitioner. On the contrary, the said decision holds that the impugned orders of termination of service of the 1st, 2nd and 4th petitioners cannot be faulted on the ground that they are not speaking orders and that no inquiry was held before terminating their temporary services. The Tribunal has held that the question of complying with the principles of natural justice or making an speaking order did not arise when the services of a temporary Government servant are terminated in accordance with the terms of the statutory provisions without casting any stigma on the said Government servant. It is only in regard to other petitioners 3 and 5 to 29 where the orders cast stigma that it has been held that an inquiry should have been held.

3. We, therefore, see no good grounds to interfere with the impugned order of termination of the petitioner's services. This application fails and is accordingly dismissed. No costs.

Adige
(S. R. Adige)

Member (A)

Malimath
(V. S. Malimath)

Chairman

/as/