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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.24/88

Date of Decision:13.05.1993

Shri Surender Kumar Applicant

Versus

Union of India Respondents

CORAM: The Hon. Mr. A.B. GORTHI, Member(A)

The Hon. Mr. C.J. ROY, Member(J)

JUDGEMENT(Oral)

(delivered by HOn. Member(A) Shri A.B. GORTHI)

This case was listed for hearing on 12.5.93, but none appeared for either side. The case was adjourned for peremptory hearing today, but even now, there is none for either side. The facts of the case are simple and the claim pertains to the period 1988. We, therefore, proceed to examine the record and pass the judgement.

2. The grievance of the applicant is against termination of his temporary service vide the impugned order dated 22.7.87. The applicant was appointed as LDC by order dated 30.10.84 in the department of Electric Division No.1, CPWD. The applicant completed his 2 years probation period satisfactorily. Notwithstanding the same, the

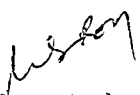
impugned order was passed on 22.7.87, terminating his service. Aggrieved by the same, he approached the Hon. Supreme Court, under Article-32 of the constitution of India, which permitted the petitioner to file the case before this Tribunal.

3. The respondents in their brief reply have stated that the applicant was, not in fact, duly selected by the Staff Selection Commission and that the letter purporting to have been issued by the Commission was not a genuine one. They have further relied on the judgement of this Tribunal in similar cases (OA 839/86, 840/86) vide judgement dated 21.7.87, wherein, this Tribunal held that the termination was in order.

4. A careful perusal of the impugned order of termination of service of the applicant clearly states that the order was passed under Sub-Rule(1) of Rule-5 of the Central Civil Services (Temporary Services) Rules, 1965. It is well settled that when the respondents have the discretion, whether to proceed with the case against the employee under the relevant disciplinary rules, or to terminate the employee's service under CCS (Temporary Services) Rules, 1965, and if the concerned authority decides to choose the latter course of action, it cannot be said to be invalid. As there has been sufficient compliance with the Rule-5(1) of the CCS(Temporary Services) Rules,

1965, the order of termination of services of the applicant is legally in order.

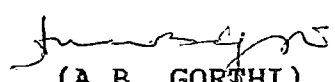
5. The application is thus without any merit and the same is hereby dismissed. There shall be no order as to costs.


(C.J. ROY)

MEMBER(J)

13.05.1993

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(A.B. GORTHI)

MEMBER(A)

13.05.1993

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