

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No.  
T.A. No.

22

1987

1986

DATE OF DECISION 8.5.87

Shri Jamaluddin

Retitioner Applicant

Shri Anis Ahmed Khan

Applicant  
Advocate for the Retitioner(s)

Versus

Commissioner of Police & Others

Respondents

Shri Mukal Talwar, Proxy Counsel

Advocate for the Respondent(s)

for Mrs. Avnish Ahlawat,

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether to be circulated to all the Benches? No

Kaushal Kumar  
( Kaushal Kumar)  
Member 8.5.87

K. Madhava Reddy  
Chairman 8.5.87

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

REGN. NO. OA 22/86

OA 22

Dated: 8th May 1987

Shri Jamaluddin .... Applicant

Vs.

Commissioner of Police & .... Respondents  
Others

CORAM: Hon'ble Mr. Justice K. Madhava Reddy, Chairman  
Hon'ble Mr. Kaushal Kumar, Member.

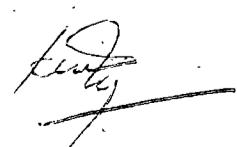
For the Applicant .... Shri Anis Ahmed Khan, counsel

For the Respondents .... Shri Mukal Talwar, Proxy Couns  
for Mrs. Avnish Ahlawat, counse

( Judgement of the Bench delivered by  
Hon'ble Mr. Justice K. Madhava Reddy, Chairman )

The services of the applicant, who was a temporary Constable in Delhi Police, were terminated in pursuance of the proviso to sub-rule(1) of the Rule 5 of the CCS(TS) Rules, 1965 vide order dated 29.4.1984. The order does not disclose any reasons for termination of the services of the applicant; it is an innocuous order. His case is that he was attacked by Hawaldar Hari Singh with a Bayonet and suffered an injury on 26.6.1984 for which he was admitted in Bara Hindu Rao Hospital. He lodged a complaint and a FIR was issued in this regard. He was, however, pressurised to withdraw the complaint and when he did not withdraw the same, his services were terminated. His further allegation is that some of those appointed temporarily subsequent to him were retained in service while his services were terminated.

2. We directed notice to the Respondents and in the counter filed by them it is stated that the applicant's services were terminated only because he did not pass the recruitment test while the others had passed.

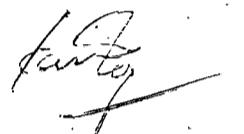


3. We find that not only the order of termination is innocuous but also does not cast any stigma. The termination as such cannot, therefore, be treated to be by way of penalty. The fact that some of his juniors were retained has no bearing on the validity of the order of termination because the juniors having passed the test were qualified to be retained while the applicant having failed, was not eligible to be continued.

4. We find no merit in this application and accordingly dismiss the same.



( KAUSHAL KUMAR)  
MEMBER 8.5.87



( K. MADHAVA REDDY)  
CHAIRMAN 8.5.87