

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 869
T.A. No.

198

DATE OF DECISION October 22, 1986.

Shri Umed Singh, Petitioner

Shri U.S. Rai, Advocate for the Petitioner(s)

Versus

Union of India, Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. 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 other Benches? *No*

Kaushal Kumar

(Kaushal Kumar)
Member

22.10.1986.

K. Madhava Reddy

(K. Madhava Reddy)
Chairman

22.10.1986.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN NO. OA 869/86.

October 22, 1986.

Shri Umed Singh	Applicant
	Versus	
Union of India	...	Respondents

CORAM :

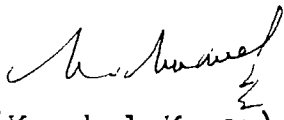
Shri Justice K. Madhava Reddy, Chairman
Shri Kaushal Kumar, Member.

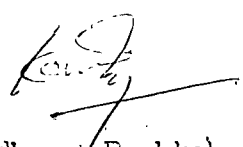
For the applicant Shri U.S. Rai, counsel.

(Judgment of the Bench delivered by
Shri Justice K. Madhava Reddy, Chairman).

The applicant herein was a temporary Constable whose services were terminated by ^{an} order dated 12.7.1985 in ~~XX~~ pursuance of proviso to sub-rule (i)(b) of Rule 5 of the Central Civil Service (Temporary Services) Rules, 1965. It is that order which is impugned in this application. It is not the case of the applicant that any one junior to him was retained while his services were terminated. What he alleges is that his services were terminated on account of his absence on a number of days. That was taken note of and he was given a Show Cause Notice earlier as to why the aforesaid period of absence should not be treated as leave without pay. He submitted his reply to the said show cause notice. Instead of taking any decision on his representation, the impugned order was issued. He, therefore, complains that this order of termination is by way of punishment and was made without the mandatory constitutional and statutory procedure of enquiry. Merely because earlier the respondents wanted to treat the absence of the applicant as period without pay, it does not preclude the respondents from terminating the services of a temporary employee in pursuance of the proviso referred to above. Such a termination by itself cannot be

treated to be one by way of punishment so as to attract the provisions of Art.311 (2) of the Constitution. The termination of a temporary employee in the circumstances stated above cannot be termed to be arbitrary. This application is, therefore, dismissed.


(Kaushal Kumar)
Member
22.10.1986.


(K. Madhava Reddy)
Chairman
22.10.1986.