

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA 1822/87 .. Date of decision: 10.05.93

Sh. Ashok Kumar .. Applicant

Versus

Union of India .. Respondents

For the applicant .. Sh. S.K. Gupta, Proxy counsel
for Sh. Multan Singh.

For the respondents.. Sh. P.P. Khurana, Counsel.

CORAM

Hon`ble Sh. A.B. Gorthi, Member (A)

Hon`ble Sh. C.J. Roy, Member (J)

J U D G E M E N T (Oral)

(Delivered by Hon`ble Sh. A.B. Gorthi, Member (A))

The applicant's grievance is against the order of termination passed by the respondents on 15.07.85. The applicant, after due selection, was appointed against the temporary post of Chowkidar in the pay scale of Rs. 196-232 vide respondent's communication No. A.12020/4/03-E-3 dated 16.2.84. After medical examination and such other formalities, the applicant was appointed as a Chowkidar on temporary basis with effect from 24.2.84. Thereafter, it seems that he was once found absent from duty for which he was warned to be more careful in future. Again he was absent without information, for which he

h

5

..2..

subsequently submitted an application with medical certificate issued by a Private Doctor on 29.4.84. Finally the respondents issued the impugned order of termination invoking Rule 5 (1) of the C.C.S. (Temporary Service) Rules, 1965.

2. The respondents in their brief counter affidavit, have merely stated that the contention of the applicant that his absence was on account of illness was not correct and that his services in any case were not satisfactory. The respondents contention is that the applicant being a temporary servant, his services were duly terminated by invoking Rule 5 (1) of the C.C.S. (Temporary Service) Rules, 1965.

3. It is well settled that a temporary servant has no right to hold the post for good. The respondents cannot be faulted for terminating the services of the applicant on account of his frequent and unjustified absence from duty. A careful examination of the impugned order of termination would disclose that it was passed in accordance with Rule 5(1) of the C.C.S. (Temporary Service) Rules, 1965 and that the applicant was allowed to claim pay and allowances for the period of notice of one month at the same rate at which he was drawing immediately before the termination of his service.

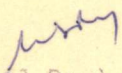
h

(b)

..3..

4. In the aforesaid circumstance, we do not find
1 any ~~such~~ irregularity or illegality in the impugned
1 order of termination. ~~of termination.~~

5. The application is dismissed. There will be
no order as to cost.


(C.J. Roy)

Member(J)


(A.B. Gorthi)

Member (A)

snr

100593