

In the Central Administrative Tribunal

Principal Bench: New Delhi

OA 321/87

Date of decision: 23.09.1992.

Shri Risal Singh

...Petitioner

Versus

Union of India & another

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

For the petitioner

Shri G.D. Gupta, Counsel.

For the respondents

Shri K.C. Mittal, Counsel.

Judgement(oral)

(Hon'ble Mr. Justice V.S. Malimath, Chairman)

The petitioner was appointed on ad hoc basis as Security Officer. One of the terms of appointment was that the appointment is purely on ad hoc basis and may be terminated at any time when a candidate from ST category joins the hospital. The order was made on 9.1.1984. It is obvious that the said appointment was continued from time to time. When the petitioner was continuing as ad hoc appointee, an incident took place in respect of which an enquiry appears to have been held and the explanation of the petitioner sought. The petitioner gave an explanation which on the face of it appears to be satisfactory. No further punitive action was taken against the petitioner

in pursuance of the said inquiry which leads to the inference that the inquiry was dropped. An order was made on 22.5.1986 that the services of the petitioner, who was appointed on ad hoc basis till 31.3.1986 are terminated w.e.f. 31.3.1986 on expiry of his ad hoc appointment. It further says that he shall be entitled to draw full pay and allowances for the period he remained under suspension from 28.1.1986 to 31.3.1986.


2. Shri Gupta, learned counsel for the petitioner submitted that though the appointment held by the petitioner was only temporary and ad hoc, the termination was for misconduct. He submitted that the foundation for the termination being misconduct, an enquiry was required to be held and finding recorded in the enquiry so held to entitle the authority to impose appropriate punishment. That not having been done, it was submitted that the impugned order is liable to be quashed.

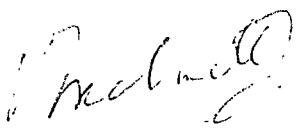
3. It is necessary to point out that in the reply filed by the respondents it is stated that the termination was not on account of the complaint received and the enquiry made in regard to the alleged misconduct of the petitioner. They have said that this is not the foundation for the order. We are inclined to believe the said statement. As the explanation was sought from the petitioner in regard to the alleged misconduct, it was open to the authorities to pursue the same and impose the penalty. No such penalty has been imposed. The

8

explanation offered by the petitioner makes it clear that the only allegation against him was that he did not inform his superiors about the incident. The petitioner has given a satisfactory explanation about his having reported to his superiors about the said incident. Hence, we are inclined to hold that the explanation was accepted and the enquiry was dropped. It is necessary to point out that this is not a case of termination of service of the petitioner. This is a case of non-renewal or non-extension of the ad hoc appointment of the petitioner. The order of appointment (Annexure-B) clearly says that his appointment on ad hoc basis was till 31.3.1986 and his services will be terminated on expiry of his ad hoc appointment. Hence it is not at all possible to understand the order as having the effect of termination at all. That is another ground for not interfering with the impugned order. This petition fails and is dismissed.

No costs.

  
(I.K. Rasgotra)  
Member(A)

  
(V.S. Malimath)  
Chairman

san  
230992  
250992