

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. D.A. 323/87.

DATE OF DECISION: 24.8.1992.

Balwan Singh.

... Petitioner.

Versus

Union of India.

... Respondent.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

... Shri Ashish Kalia,
proxy for Shri R.L.
Sethi, Counsel.

For the Respondent.

... Ms Nisha, proxy for
Shri M.L. Verma,
Counsel.

JUDGEMENT (ORAL)

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

The petitioner was appointed on a temporary basis as a Messenger in C.P.W.D. by an order dated 10.11.1986. He was asked to produce certificate regarding his date of birth, educational qualifications and certificate in support of his claim that he is a member of the Scheduled Caste. The petitioner joined duty on 11.11.1986. His services were terminated by the impugned order dated 24.2.1987 (Annexure A-1) in exercise of powers conferred by Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965. It is the said termination that is challenged in this petition.

2. The learned counsel for the petitioner submitted that the termination is bad for the reason that no inquiry was held and the petitioner was not given any opportunity of showing cause in the matter. As the petitioner was appointed on a temporary basis, the appointing authority had powers to

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terminate the petitioner in accordance with Rule 5 of the Rules. Hence, it cannot be said that the termination is contrary to the Rules. As no stigma is attached as is clear from the impugned order, no inquiry is called for. It is not possible to take the view that the conduct of the respondent in terminating the services of the petitioner is arbitrary. In the reply filed by the respondents, it is stated that in spite of several requests and reminders issued to the petitioner he failed to produce the certificates regarding his date of birth, caste etc. As the petitioner failed to produce the relevant certificates in spite of several reminders issued to him, it is stated that there was no other alternative except to ask the relevant information from the Employment Exchange to satisfy themselves about his date of birth, caste and educational qualifications. But the information received from the Employment Exchange was not in accordance with the information furnished by the petitioner. In support of his claim, the respondents had asked the petitioner to furnish the relevant information. It is obvious that the petitioner failed to produce the same. It is no answer that the respondents should have ascertained the necessary information by addressing the Employment Exchange or the concerned educational authorities. It is for the petitioner, who was claiming his right for appointment, to satisfy the authorities that he had the necessary qualifications. There is no duty cast on the respondents to collect the materials if the petitioner has the requisite qualifications. In this background, it is not possible

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to take the view that the action taken by the respondents
is arbitrary. We, therefore, see no good ground to
interfere. Petition fails and is dismissed. No costs.

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I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN