

In the Central Administrative Tribunal

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Principal Bench: New Delhi

OA No.569/87

Date of decision: 09.09.1992.

Shri Tej Singh

...Petitioner

Versus

Union of India & Others

...Respondents

Coram:-

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

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

For the petitioner Shri Umesh Misra, Counsel.

For the respondents Shri M.L. Verma, Counsel.

Judgement(Oral)

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

The short contention urged by Shri Umesh Misra, learned counsel for the petitioner is that the termination of the petitioner's service by the impugned order is arbitrary. There was a vacancy of the peon which occurred on 28.11.1985. In that vacancy the petitioner was appointed on daily wage basis. His services were terminated w.e.f. 8.4.1987. The respondents have justified the termination, pointing out that the Liaison Officer who made the appointment of the petitioner had no competence. They have further pointed out that the vacancy was required to be filled up only by way of stop gap arrangement pending filling up the vacancy on a regular basis. The appointment of the petitioner being fortuitous he could not lay claim to continue in the said post. It is also pointed

out that apart from the fact that the Liaison Officer had no competence to make the appointment of the petitioner, he was also the relative of the petitioner and, therefore, obliged him by giving appointment to his own relative. It is also stated that the other proceedings were taken against the Liaison Officer for other misconduct committed by him. Having regard to the fact that the vacancy was required to be filled up only by way of stop gap arrangement pending filling up the vacancy on a regular basis on the facts of the case it is not possible to take the view that the action of the respondents in terminating the services of the petitioner is arbitrary. Hence this

Original Application fails and is dismissed. No costs.

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(I.K. Rasgotra)
Member (A)

Malimath
(V.S. Malimath)
Chairman

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