

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. O.A.94/87.

DATE OF DECISION: 28.10.1992.

Tej Ram.

..Petitioner.

Versus

Union of India & Ors.

..Respondents.

CORAM:

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

For the Petitioner. Shri Raman Kapur, Counsel.

For the Respondents. Shri B.R. Prashar, Counsel.

JUDGEMENT(ORAL)


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

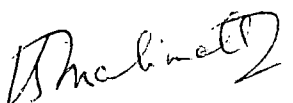
The petitioner was appointed temporarily as Constable in the Delhi Armed Police. Notice dated 17.4.1986 was issued to the petitioner under sub rule (I) of Rule 5 of the CCS(Temporary Service) Rules, 1965 notifying that his services shall be terminated on the expiry of the period of one month. That notice was served on the petitioner on 5.5.1986. On the expiry of the period of one month, another order came to be made dated 19.6.1986 (Annexure'B') terminating the petitioner's services w.e.f. 5.6.1986. It is this order of termination that is challenged by the petitioner.

2. It was contended by the learned counsel for the petitioner that it is clear from the stand taken by the respondents that the services of the petitioner were terminated on the ground that he was a habitual

absentee from duties. He, therefore, urged that this is not a case of termination simpliciter. He urged that if we lift the veil and see why his services were terminated, it would become clear that his services were terminated on the ground that he was found to be a habitual absentee.- That being the position it was urged that the impugned order is punitive in character and, therefore, it is liable to be quashed as it is not preceded by any inquiry or opportunity of hearing to the petitioner. On the face of it, the order of termination is not punitive in character and does not cast any stigma. It is now well settled by the decision reported in JT 1991(1) SC 108 between State of Uttar Pradesh & Anr. Vs. Kaushal Kishore Shukla that if an inquiry is held and the conduct of the official is found blameworthy, it is open to the authorities either to exercise their powers to terminate the services in accordance with the terms and conditions of the service or to proceed to take steps to hold a disciplinary inquiry for the purpose of inflicting the punishment. If the authorities opt to terminate the services in accordance with the conditions of the service, it cannot be termed as punitive in character. It cannot, therefore, be held that the order of termination of the petitioner is punitive in character. Hence, it is not liable to be quashed.

3. For the reasons stated above, this petition fails and is dismissed.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN

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