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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

REGN. NO. O.A. 1032/87.

DATE OF DECISION: 7.12.1992.

Krishnashish Chakraborty.

..Petitioner.

Versus

Chief Controller of Accounts and Others. ..Respondents.

CORAM:

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

For the Petitioner. None.

For the Respondents. Mrs Raj Km. Chopra, Counsel.

JUDGEMENT (ORAL)

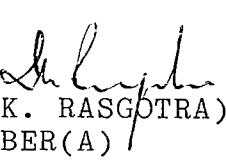
(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

None appeared for the petitioner. Mrs Raj Km. Chopra, Counsel, appeared for the respondents. As this is a very old matter, we thought it proper to peruse the records, hear the learned counsel for the respondents and dispose of the matter on merits.

2. The petitioner was appointed temporarily as a Lower Division, Clerk in Principal Accounts Office under the Ministry of Commerce, Govt. of India, on 5.8.1985. It is his case that he has satisfied all the other conditions and continued to serve as a temporarily appointed L.D.C. The impugned order came to be passed on 22.7.1987 terminating his services invoking sub-rule(1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 by tendering him one month pay in lieu of notice. It is the said order which is challenged in this petition.

3. It is well settled that the temporary Government servant has no title to the post and that his services can be terminated in accordance with the statutory provisions. The petitioner's case is that in truth and substance, the order of termination is by way of punishment. He further says that if we lift the veil and examine the true facts, this will be apparent that injustice has been done to the petitioner. He, therefore, maintains that the principles of natural justice should be complied with. It appears that the order of termination was passed on the ground that he did not qualify himself for appointment by passing the prescribed test. In other words, the foundation for termination is the erroneous statement made by the petitioner that he was duly qualified. In the material furnished by him, it was indicated that he had passed the test in the year 1983. When this was contradicted he said that he passed the test in the year 1984 and gave his roll number. That was verified and it was found that the petitioner did not qualify under that roll number in the year 1984 as well. This is, therefore, a case when on realisation that the petitioner had not qualified ⁱⁿ the test, the respondents took steps to correct the mistake by terminating the services of the petitioner. In the circumstances, we are inclined to take the view that the principles of natural justice were not required to be followed. We receive support in our decision from an earlier decision of the Tribunal in ATR 1987(2) CAT 566 **Sanjiv Kumar Aggarwal Vs. Union of India & Ors.**

4. Following the said decision, this petition fails and is accordingly dismissed. No costs.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN

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