

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.  
...

R.A. No. 78/88.  
O.A. 1040/87.

DATE OF DECISION: 29.7.1988.

Shri M.C. Aggarwal

Applicant

Vs.

Union of India & Ors.

Respondents.

CORAM:

Hon'ble Mr. Justice J.D. Jain, Vice-Chairman.

Hon'ble Mr. Birbal Nath, Administrative Member.

Applicant present in person.

Oral: We have heard the applicant in person.

He is relying upon a reported decision of the Supreme Court in Harpal Singh Vs. State of U.P. & Anr.<sup>1</sup> which was a case of termination of services of a temporary Government servant.

The following observations were made in para. 4 of the said judgment on which the applicant has placed reliance:-

"...Law is well settled by a catena of decisions of this Court that even if the adverse order is innocuous and does not show any element of stigma, the Court has jurisdiction to peer below to find out what exactly is the foundation of the order...."

2. We have perused the decision of the Supreme Court, adverted to above, and we find that the observations were made in the context of termination of services of a temporary servant and the purport of the decision was that if an innocuous order is grounded upon features which carry stigma against the affected officer, he is
- 
1. A.T.R. 1988 (1) S.C. 77.

entitled to defend himself in a proceeding provided under the Rules applicable to him. The question was whether the protection of Article 311 (2) of the Constitution was available to a temporary Government servant whose services have been terminated by an apparently innocuous order. That is not the position in the instant case and this authority is of no assistance to the applicant. We find no ground to review the order dated 3rd June, 1968. This R.A. is dismissed.

29/7/88  
(B. Bal Nath)  
Member

J. D. Jain  
(J.D. Jain)  
Vice-Chairman.