

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(10)

O.A. No. 288/1990.

New Delhi, this the 7th day of September 1994.

HON'BLE SHRI J.P.SHARMA MEMBER (J)

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER (A)

Shri Raj Pal Singh
s/o Shri Ishq Lal
c/o Shri Salig Ram
E-460, East Babarpur,
Shahdara, Delhi.

..Applicant

(By Shri B.S.Charya, Advocate)

Vs.

1. Commissioner of Police,
Police Headquarters,
M&O Building, IP Estate,
New Delhi.

2. Union of India,
Ministry of Home Affairs,
Govt. of India, New Delhi.

...Respondents

(By Advocate Mrs. Avnish Ahlawat)

ORDER

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER (A)

The applicant was appointed as a temporary Sub Inspector in Delhi Police on 27-10-1986. It is his case that he had taken short leave from 25-10-89 and reported back on 1-11-1989. On 3-11-1989 he was served with the termination order invoking Rule 5 of the Civil Services (Temporary Service) Rules, 1965. He made an appeal against this order to the Commissioner of Police and the same was turned down on 2-1-1990. This O.A. has been filed challenging ^{the} termination order dated 3-11-1989 and the rejection of appeal by communication dated 2-1-1990 and for consequential benefits alongwith interest.

2. The ld. counsel for the applicant challenges the above orders mainly on the ground that the order of termination is punitive, that no show cause notice was issued to the applicant and the termination order is illegal since his juniors have been retained.

3. In the reply the respondents have brought out that the applicant was terminated by invoking Rule 5 of CCS (Temporary Service) Rules since his over all performance from the time he joined in 1986 was unsatisfactory and he was terminated vide orders dated 3-11-1989 as he was not considered suitable for retention in police force. The applicant was not even given quasi permanency status based on his unsatisfactory performance. The reply details the various unsatisfactory performances of the applicant and the action taken by respondents from time to time. It has been indicated that SHO Simapuri had given report dated 26-9-89 that he had checked the performance and knowledge of the applicant and he was of the opinion that the applicant had not completed the training course and was not capable of writing case diaries and investigating all types of IPC cases independently. It was also observed that the applicant was not taking interest in his work.

4. DCP/NE was also of the opinion that the applicant was not evincing proper interest in his practical training and [redacted] had formed this opinion after putting certain questions to the applicant. The applicant was warned for not taking interest vide office endorsement No.10130-31/Ettt (NE) dated 4-10-89.

5. In the reply affidavit it is also stated that the work and conduct of the applicant was most unsatisfactory and he was censured and warned on a number of occasions. He was warned by Principal PTS Jharoda Kalan, New Delhi vide his order dated 13-3-87. While deputed to undergo his induction course with this institution was found in a poor turn out (was wearing dirty shirt, jersey and improper hair cut) when inspected by Principal, P.T.S on the eve

from Delhi to Kerla to collect some information for the investigation of murder case vide F.I.R.No.212 dated 23-8-89 u/s 302/392/34 I.P.C. P.S.Seemapuri. He resumed his duty on 11-9-89, though he reached Delhi on 8-9-89 and did not convey the information to senior officers and remained at his house illegally.

6. After going through the reply affidavit we are convinced that the action taken against the applicant has been taken as per Rule 5 of CCS(TS) Rules. The termination orders which have been quoted supra are not punitive in character. In the case of Uttar Pradesh & Anr. Vs. KK Shukla (JT 1991(1) SC 108) it has been held that services of temporary government servants can be terminated by invoking rule 5 of CCS(TS) Rules by a review of their performance and so long as the termination order is an order ~~of~~ simplicitor such action of termination cannot be held to be illegal.

7. In the circumstances of the case, the D.A. is dismissed. No costs.

P.T.Thiru

(P.T.THIRUVENGADAM)
Member(A)

MP

Sharma

(J.P.SHARMA)
Member(J)