

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No.2363/91

Date of decision: 28.07.93.

Shri Balinder Singh & Another

...Petitioners

Versus

Commissioner of Police & Another

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)  
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioners

None

For the respondents

None

Judgement(Oral)  
(Hon'ble Mr. I.K. Rasgotra)

When the case was called out none appeared either for the petitioners or for the respondents. Since this is an old matter, we consider it appropriate to dispose of the case on merits on the basis of the available material on record.

2. The case of the petitioners is that they were selected as Constables in the Delhi Police in a special recruitment drive on 15.5.1987. They were deputed to undergo inductional training provisionally for the Constables in the Police Training School, New Delhi. When they were undergoing training the respondents found (memo dated 15.4.1988) that the petitioners had managed to enter the Police Service by producing fake employment registration cards at the time of recruitment in Delhi Police. A verification was made with the concerned employment exchange when it was confirmed that the employment exchange cards produced by the petitioners were forged ones. Accordingly the services of both the petitioners were terminated vide

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impugned office orders No.3321-80/SIP-PTS dated 21.4.1988 and 3441-3500/SIP-PTS dated 21.4.1988 respectively under Rule 5(i) of C.C.S. (Temporary Service) Rules, 1965. The contention of the petitioners is that their service should not have been terminated by an order simpliciter without giving any show cause notice or without conducting an enquiry under the Delhi Police (Punishment & Appeal) Rules, 1980. They, therefore, contend that the orders passed by respondents are illegal and liable to be set aside. By way of relief they have prayed that the order dated 21.4.1988 annexed at P-1 to the O.A. be quashed with all consequential benefits.


3. The facts of the case are not disputed by the respondents in their counter-affidavit. They, however, submit that the Constables in Delhi Police, in accordance with the Rules are initially appointed on a temporary basis. They have to undergo training during the probation period of two years, which can be extended upto 3 years. It is not the case of the petitioners that they have completed their probation period of two years successfully. They were appointed on a temporary basis in accordance with the Rules and were sent for training provisionally. During the trial/probation period itself it came out that they had not obtained the employment by lawful means. Accordingly their services were terminated vide the impugned orders forthwith, giving them a sum equivalent to the amount of pay and allowances for the period of notice for one month at the same rates at which they were drawing their pay immediately before termination of their services. It is now well settled that during the period of trial/probation if the employers are not satisfied with the service


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of the employees their services can be terminated in accordance with the relevant rules or the terms of the contract. Since the services of the petitioners have been terminated during the period of trial/probation under the C.C.S. (Temporary Service) Rules, 1965, duly granting them a sum equivalent to the salary and allowances in lieu of the period of notice, the case does not warrant our interference. The O.A. is accordingly dismissed. No costs.

  
(B.S. HEGDE)  
MEMBER(J)

  
(I.K. RASGOTRA)  
MEMBER(A)

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