

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.868/1991

New Delhi, this 18th day of April, 1995

Justice Shri S.C.Mathur, Hon'ble Chairman
Shri P.T.Thiruvengadam, Hon'ble Member(A)Shri Brij Pal Singh
s/o Shri Chand
Village & PO Badherkha,
PS Chaprauli, Dt. Meerut (UP) .. Applicant

By Advocates Shri B.S. Charya

versus

1. Commissioner of Police
Police Hqrs. MSO Building
IP Estate, New Delhi

2. Secretary
M/Home Affairs
New Delhi .. Respondents

By Advocate Shri O.N.Trishal

ORDER

Shri Justice S.C. Mathur

The applicant was appointed as a Constable in Delhi Police. This application is directed against the termination of his services. The order of termination of services was passed on 30.11.67. The termination was done under Rule 5 of **Rules**, Central Civil Services(Temnporary Service) 1965. By this termination order, one month's notice was given. Another order was passed subsequently on 19.6.68 whereby the termination was made effective from 2.2.68. This order appears to have been passed on account of the fact that the Superintendent of Police (South District) relieved the applicant only on 2.2.68.

2. The present application was filed on 26.3.1991. The applicant's case in the OA is that his services were terminated on account of his participation in the agitation done by the police officers of the Delhi Police in April,

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1967. It is also his case that a large number of police officers who participated in the said agitation and whose services were terminated, challenged before the Delhi High Court and the Delhi High Court quashed the termination order and the appeal filed against this was dismissed. The applicant's plea is that his is an identical case and that he was assured on behalf of the Government that although his services had been dispensed with on account of his participation in the agitation, he will be taken back in service, but the applicant was not taken back in service.

3. The application has been contested on behalf of the respondents. The respondents' case is that the applicant's services were not terminated on account of his alleged participation in the April, 1967 agitation. It is stated that in fact the applicant did not participate in the agitation at all. It is pointed out that the applicant's work and conduct were not satisfactory and minor punishments were also awarded to him. It is the plea of the respondents that in view of the work and conduct of the applicant, he was not found fit to be retained in the police force. Reply on behalf of the respondents has been filed. It has been stated in the reply that after the expiry of several years, much of the records had already been weeded out and only two papers remain, from which it is not borne out that the applicant had participated in the agitation of April, 1967.

4. In order to check the correctness of the stand taken in the reply filed on behalf of the respondents, we directed the learned counsel for the respondents to produce the available records before us which he has done. The records indicate that the applicant had been awarded punishment drill and an endorsement has been made by the DG on 26.4.67 that the

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applicant was on duty from 14.4.67 till the date of making the report. Once it is held that the applicant's case is entirely different from the case of those who obtained relief from the Delhi High Court, the applicant will not be entitled to any relief in the present application. It is hopelessly barred by limitation. The applicant has failed to ~~place~~ before us any tangible evidence in support of his plea that the termination of his services was related to April, 67 agitation. On the other hand, the respondents have been able to establish before us that the applicant's performance within a short period of about two years was not satisfactory. In view of this fact, the application is liable to be rejected on the grounds of limitation as also on merits.

5. In view of the above, the application is rejected but without any order as to costs. Interim order if any operating stands discharged.

P. J. 26

(P.T.Thiruvengadam)
Member (A)
18.4.95

S.C. Mathur
Chairman
18.4.95

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