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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1067/1991

New Delhi this the 19th Day of April 1995

Hon'ble Mr. A.V. Haridasan, Vice Chairman (J)

Hon'ble Mr. K. Muthukumar, Member (A)

Shri Puran Chand Bhatt,  
Son of Shri K.M. Bhatt,  
Resident of D/153 Moti Bagh-I,  
New Delhi-110 021.

... Applicant

(By Advocate: Shri D.C. Vohra)

Vs.

Union of India,  
through the Foreign Secretary,  
Government of India,  
Ministry of External Affairs,  
South Block,  
New Delhi-110 011.

... Respondents

(By Advocate: None)

ORDER (Oral)

Hon'ble Mr. A.V. Haridasan, Vice Chairman (J)

The applicant by order dated 15.2.1991 (Annexure 'D') was appointed as adhoc Lower Division Clerk on a basic pay of Rs. 950/- alongwith some others for a period of 89 days. On the expiry of the period of 89 days, the applicant was discharged. The grievance of the applicant that there is a violation of his fundamental right for continued employment as he was sponsored by the Employment Exchange for service without specifying the terms of such appointment. Hence the applicant prays that termination orders be quashed and respondents be directed to continue him in employment and to regularise him in service. The respondents in their reply state

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that as the appointment of the applicant and others persons was made to meet the exigencies of service for completion of work in the project and the work having been completed, there is no need to continu them in service and that no fundamental right of the applicant has been violated. We have gone through the pleadings and the material on record. We have heard Shri D.C. Vohra, learned counsel for the applicant. We did not have the privilege of hearing the learned counsel for the respondents as he did not appear. The issue involved in this case is very simple. The applicant was appointed by the order dated 11.2.1991 specifically for a period of 89 days and he was not continued in employment thereafter. Does this action on the part of the respondents not continuing the applicant in service beyond the period of 89 days violate any fundamental right of the applicant? is the short question. Learned counsel for the applicant with considerable vehemence argued that since the applicant was not informed by the two communications which preceded the appointment order that his service would be required for a period of 89 days only and as the applicant had been sponsored by the employment exchange the action of the respondents in terminating his service on the expiry of 89 days violates his fundamental right and that the abrupt termination of his services without give him any opportunity violates the principles of natural justice.

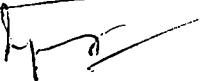
If similarly situated persons have been treated differently, then it could be said that there is a violation of the right to Equality guaranteed under Article 14 and 16 of the Constitution of India. There is no case for the applicant that he has been treated differently from any other similarly situated person. Therefore, there is no violation of the fundamental right involved in his case. Though in the communication preceding the appointment there was no mention of the fact that the services of the applicant would be required only for a period of 89 days, in the appointment order at Annexure 'D' it had been clearly mentioned that the appointment was for a maximum period of 89 days, during which his service could be terminated without notice and without assigning any reason therefor. The applicant has accepted that Offer of Appointment and performed his duties for 89 days. Therefore, there is no reason for the applicant to complain about the terms of appointment. If he was dissatisfied with the terms and conditions he could have refrained from accepting the offer. Therefore, we are convinced that the case of the applicant that there is violation of fundamental rights and unfairness in the action of the state, he has no merit at all. Now we will consider whether there is violation of principles of natural justice in terminating the applicant's service without any notice. If the applicant was appointed for a longer term and if before the expiry of the above terms, the applicant was removed from service without giving any

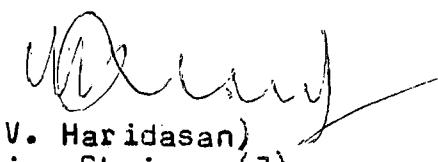
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opportunity to show cause, then the action would be termed as a violation of the principles of natural justice.

He was told that his employment would be tenable only for a period of 89 days. There is no occasion for telling him again as to why his services should not be terminated.

In the above conspectus of facts and circumstances  
as discussed above we see no merits in this application and  
therefore we dismiss the same leaving the parties to bear  
their own costs.

  
(K. Muthukumar)  
Member (A)

  
(A.V. Haridasan)  
Vice Chairman (J)

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