CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 168 of 1993

NEW DELHI THIS THE 11TH DAY OF JULY, 1997

**HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)**

Shri Puran Ram
S/o Shri Dali Ram,
R/o House No.222, Jiwan Park,
P.O. Samaipur,
Delhi-42. ...Applicant

By Advocate Shri Ashish Kalia

Versus

1. U.o.I. through
The Chief Engineer,
Fllod Central & Drainage Division No.V,
D.A. P.W.D. Flood Control Department,
C Block, L.M. Bund Office Complex,
Shashtri Nagar,
Delhi-110 032.

2. The Executive Engineer,
Suppl. Drainage Division,
PWD Delhi Administration,
Basai Darapur,
Opp. E.S.I. Hospital,
New Delhi-110 027. ...Respondents

By Advocate Shri Surat Singh

**ORDER(ORAL)**

**HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)**

Heard the learned counsel for the parties.

2. The applicant in this case is a casual labourer. His services were terminated due to his gross misconduct in that he failed to perform his duty by allowing one Shri Bhag Singh to unauthorisedly take away Government vehicle at night, which met with an accident resulting in F.I.R. lodged on 16.10.92 against the Shri Bhag Singh. Shri Bhag Singh was fined Rs. 1,000/- by the Metropolitan Magistrate. Following this, the respondents conducted an enquiry in which he was given an opportunity to explain his conduct. After the enquiry, it was held

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that his conduct was unbecoming of a Government servant and, therefore, his casual service was terminated. The learned counsel for the applicant admits that this incident had unfortunately happened in the case of the applicant but pleads that the applicant had done number of years of service with the respondents. The learned counsel, however, admits that there is no legal ground under which he can assail the action of the respondents. He, however, pleads that a sympathetic view should be taken by the Tribunal and he should be permitted to represent for his engagement.

3. The learned counsel for the respondents states that there is no good ground for interference in this case. Even though the applicant was not entitled to the procedures as are normally available to the Government servants, the respondents still had given him opportunity to explain his entire case.

4. I have considered this matter. There is no good ground to interfere in this case. The application has no merit and is dismissed. It is, however, open to the applicant to make representation to the respondents for a sympathetic consideration of his case.

5. There shall, however, be no order as to costs.

(K. MUTHUKUMAR)
MEMBER (A)

Rakesh