

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 15th day of January 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O.A. NO.1377 of 1998.

1. Hari Ram Maurya s/o Sri Ram Pyare a/a 32 years r/o Vill. Tenuhari(Shukla), PO Sahjanwan, District Gorakhpur.
..... Applicant.

Counsel for applicant.: Sri H.S. Srivastava.

Versus

1. Union of India through the Secretary, Ministry of Defence (Finance), New Delhi.
2. The Controller General of Defence Accounts, West Block-V R.K. Puram, New Delhi.
3. The Controller of Defence Accounts (P.D.), Belvedere Complex, Meerut Cantt.
4. The Defence Pension Disbursing Officer, Kunraghat, Gorakhpur..... Respondents.

Counsel for respondents : K. Sadhana Srivastava.

O R D E R (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for direction to the respondents to consider the case of applicant for regularisation of his services and appoint him on a regular post. A prayer has also been made for setting aside the impugned order dated 12.11.98 terminating the services of the applicant.

2. The case of the applicant is that he was called for interview for the post of Waterboy on 14.5.90. He was selected and appointed by order dated 14.5.90 at daily wages of Rs.21.86 per day. The applicant claims that he has been performing the job of peon and duties at bank and post office besides the work assigned to him. He claims to have worked from 1990 to May 1998 with artificial break.

h

He claims that he was entitled for consideration under the scheme of casual labour, grant of temporary status and regularisation of Govt. of India in the year 1993. The applicant was granted temporary status w.e.f. 1.9.93 and was also admitted to General Provident Fund scheme. The applicant was still continued by means of orders for 60 working days with one day break. The applicant sought regularisation by application dated 16.3.98. The applicant claims to be attending to pensioners for giving drinking water and attending to Senior Accounts Officer, Accounts Officer, Asstt. Account Officer and Section Officer doing peon's job in office work besides supply of drinking water. He was granted increments in pay in the scale of Rs.2550-3200 and was drawing Rs.2660/= at the time of his termination on 18.11.98 by letter dated 12.11.98. The termination has been made without assigning any reason nor the applicant has been given any show cause notice. The applicant claims that since he has been given temporary status, his service be terminated only after following the due procedure. The order of termination gives rise to this O.A.

3. We have heard Sri H.S. Srivastava, counsel for applicant and Km. S. Srivastava, counsel for respondents.

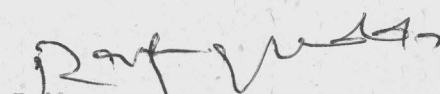
4. Counsel for respondents has stated that the order of termination does not cast any stigma. She has placed reliance on the judgment of Supreme Court in K.K. Shukla Vs. Union of India in claiming that no opportunity was necessary in this case before the order of termination was given.

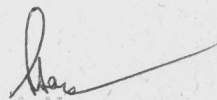
5. We have considered the submissions of the applicant as well as respondents. We find from the counter reply that the applicant was said to have demanded a sum of Rs.15000/= from a lady pensioner which was brought down to Rs.8000/= after negotiation. In a trap laid by army

authorities, the applicant was caught red handed while accepting the illegal gratification. The said incident was reported to the local press. The respondents found that the applicant was holding only temporary status, and, therefore, he can neither be transferred nor proceeded against CCS/CCA Rules (1965) as he could not be considered to be a regular central Govt. employee and therefore, the device of termination was resorted to.

6. Since the services of the applicant were dispensed with on account of allegation of acceptance of bribe, which was reported in Rashtriya Sahara on 1.5.98 (RA 2 to the rejoinder), it is evident that the service of the applicant had been terminated on account of the said incident. The applicant having attained ^{the} temporary status should have been given a show cause notice before the order of termination in case of a single lapse was passed against the applicant. Since the applicant has been terminated without following the principles of natural justice in a case of alleged taking of bribe, we set aside the order of termination as the order is clearly arbitrary. The applicant is already working on the post on account of interim order. His service shall be continued. The respondents shall have a right to proceed against him after following the principles of natural justice. The O.A. is disposed of with the above direction.

There shall be no order as to costs.


J.M.


A.M.

Asthana/