

(Am)

(D)

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

-----  
Registration (O.A.) No. 1238 of 1987

Km. Bidhata Negi	....	Applicant.
Versus		
Union of India & another	....	Respondents.

-----

Hon'ble D.K. Agrawal, J.M.  
Hon. K. Obayya, A.M.

(By Hon. D.K. Agrawal, J.M.)

By this application, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has assailed the order of termination dated 5.12.1987 passed under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965.

2. Briefly, the facts are that the applicant, viz. Km. Bidhata Negi, was appointed as a Lower Division Clerk (LDC) in the Garhwal Rifles Lansdowne (U.P.) by an order dated 16.10.1986 in temporary capacity on the condition that her services are liable to be terminated at any time without assigning any reason, with one month's notice. The impugned order is to the effect that the services of the applicant stand terminated after the expiry of period of one month from the date of service of notice.

3. The only question to be determined is as to whether the termination order is a termination simpliciter or the result of any punitive action. The respondents alleged that she was removed on the ground of unsuitability and that no stigma is attached to the order of termination. The record of the applicant has also been placed before us. A perusal of the same discloses that she was given a warning in February, 1987. There was also a remark about her <sup>lack of</sup> proficiency in work and behaviour with the superiors. The legal position is clear that where a decision to terminate the services

J. K. Agrawal



Ans 2

*Dr. J. M. Smith*



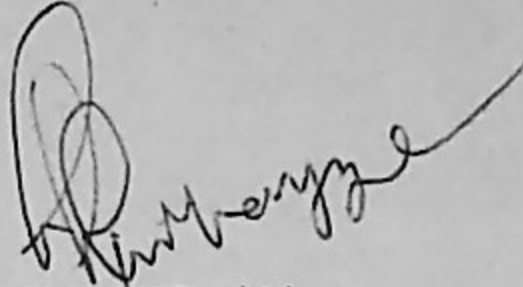
Am  
3

19

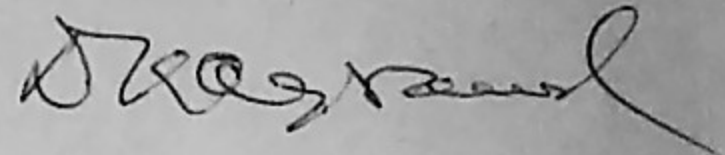
-: 3 :-

the termination is a termination simpliciter with no stigma and, therefore, the same cannot be quashed.

5. In the result, the application is dismissed with no order as to costs.



MEMBER (A)



MEMBER (J).

Dated: November 30<sup>th</sup>, 1990

PG.