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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO. 1128 OF 2006.

ALLAHABAD THIS THE 23RD DAY OF MAY 2007.

Hon'ble Mr. Justice Khem Karan, V.C.
Hon'ble Mr. K.S. Menon, A.M

Pankaj Kodesia aged about 32 years, son of Shri Suresh Chandra Saxena,
R/o 292/351, Beharipur, Keharwan, Bareilly (U.P).

.....Applicant

(By Advocates: Sri K.P Singh/Sri M. Gautam)

VERSUS.

1. Union of India through Secretary, Indian Council of Agricultural Research (ICAR), Krishi Bhavan, Dr. Rajendra Prasad Marg, New Delhi.
2. Under Secretary (Vigilance), Indian Council of Agricultural Research (ICAR), Krishi Bhavan, Dr. Rajendra Prasad Marg, New Delhi.
3. Director, Central Avian Research Institute, Izzatnagar, Bareilly (U.P).
4. Administrative Officer, Central Avian Research Institute, Izzatnagar, Bareilly (U.P.).

.....Respondents

(By Advocate: Sri V.K. Singh)

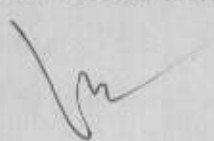
ORDER

By Justice Khem Karan, V.C.

The applicant Pankan Kodesia is challenging the order dated 5.10.2006 by which President, Indian Council of Agricultural Research terminated his services under sub rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 and also order dated 6.10.2006 by which Director of Central Avian Research Institute, Izzatnagar Bareilly conveyed to him the said termination order dated 5.10.2006.

2. Parties counsel have stated that similar orders were passed against so many persons including Anurag Kumar Johri, Dri. Deepak Gojral and Dr. Nishchal under sub rule 1 of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 and this Tribunal has already quashed the orders against Anurag Kumar Johri in O.A. No.1250/06, Dri. Deepak Gojral in O.A. No. 1226/06 and Dr. Nishchal in O.A. No. 1126/06. They say that the controversy is identical and similar orders may be passed in this O.A.

3. We have perused the order dated 26.4.2007 in O.A. No.1250/06 and order dated 11.5.2007 in O.A. NO.1126/06. This much is clear from the



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pleadings on record that there were allegations against the Director that the appointment of the applicant and others was made by committing irregularity or other misconduct and matter was ^{of enquiry} ~~proved~~ into behind the back of the applicant. On this basis of result, this termination order was passed. So we think that the orders dated 5.10.2006 and 6.10.2006 are bad for the reason as mentioned in the order dated 11.5.2007 in O.A. NO.1126/06 and deserves to be quashed.

4. Original Application is accordingly allowed and impugned orders dated 5.10.2006 and 6.10.2006 are quashed with all consequential benefits.

No costs.

Manish
Member-A 23.5.07

Jai
23.5.07

Vice-Chairman.

Manish/-