

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 154 OF 1992.
T.A.NO.

DATE OF DECISION 3.9.1998

Gautam H. Waghmare, **Petitioner**

Mr. Sudhir Mehta for Mr. B.P. Tanna, Advocate for the Petitioner [s]
Versus

Union of India & ors. **Respondents**

Mrs. P. Safaya, **Advocate for the Respondent [s]**

CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

The Hon'ble Mr. Laxman Jha, Judicial Member.

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? *✓*
- 2, To be referred to the Reporter or not ? *✓*
- 3, Whether their Lerdships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? *✓*

Gautam H. Waghmare,
Safaiwala, CSD Depot,
Ahmedabad.

... Applicant.

(Advocate: Mr. B.P.Tanna)

versus

1. Union of India, through
Secretary, Ministry of
Defence, Canteen Stores
Department, 'Adelphi'
119, M.K. Road,
Bombay - 400 020.

2. Manager, C.S.D.
Ahmedabad Depot,
Opp: Green Open Air Cinema
Near Sadar Bazar,
Ahmedabad Cantt. 380 003.

... Respondents.

(Advocate: Mrs. P. Safaya)

ORAL ORDER

O.A.No. 154/92

Date: 3.9.1998.

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

We have heard Mr. Sudhir Mehta on behalf of
M/s. Tanna Associates for the applicant and
Mrs. Safaya for the respondents.

2. The applicant, who was engaged as a Safaiwala,
had challenged the order terminating him from service.
Initially he had approached the Tribunal stating that
he had not got a copy of the termination order.
However, the O.A. was amended later to challenge the
termination order dated 27.2.92 which is enclosed at
Annexure A-9 to the rejoinder.

3. The applicant was engaged as a Safaiwala on
probation initially for a period of two years. He

joined duties on 14.12.89 and however, there was a further order which extended his probation for a period of six months from 13th December 1991 to 13th June, 1992 as at Annexure A-3. During the extended period of probation there was an inspection in December 1991 by the Regional Manager, who found that the toilets were not kept in order and the services of the applicant was not satisfactory. This position was also brought ^b his notice by letter dated 7th January, 1992 and he was told to explain as to why action should not be taken against him. He submitted an explanation on 28th January, 1992 where he had given some reasons for the toilets not being found in order and he said that he would remain more vigilant about the cleanliness of the depot. It is contended by the respondents that the applicant had left the office unauthorisedly without taking prior permission or leave and that the termination order had to be served by Registered post and eventually such order was served on the applicant on 2.4.1992.

4. It is contended on behalf of the applicant that the termination order dated 27th February, 1992 as at Annexure A-9 is punitive in nature. There is also a contention that the applicant's name figures in the list circulated on 20.2.90 at Annexure A-2 and as such he should have been taken as a regular employee.

5. We find that the name of the applicant did figure in the list dated 20.2.90 at Annexure A-2, .

refers to
This however ~~does~~ not allotment of personal numbers and the applicant is at Sr.No.22. The applicant was admittedly on probation at the relevant period and as such, this cannot be taken as an authority that he was regularised in service.

6. The main contention of the applicant is that the termination of his services is punitive in nature and the failure to hold a regular enquiry would vitiate the order. We find from the material that there was an inspection by the Regional Manager who found that the toilets were stinking and that the services of the applicant were not satisfactory. The applicant was asked to explain this lapse and was asked as to why the disciplinary action should not be taken against him. In his reply dated 20th January, 1992 he had given some reasons ~~indicating~~ ^{including} the contention that a number of persons might have used the toilets between 9.00 AM to 11.30 AM and that the phenyle supplied did not have strong smell etc. However, in para 6 & 7 he has virtually admitted the lapses stating that he is a human being and may do the mistake and he would be ^{more} vigilant in future. From the above, it is clear that the services of the applicant were not admittedly satisfactory.

7. We have gone through the impugned order dated 27.2.92. It only says that the applicant's services as Safaiwala were not found satisfactory. It refers to the earlier letter extending the period of probation upto 13th June 1992 and says that the applicant's

services as Safaiwala were not found satisfactory and they were terminated. We cannot hold it a punitive and stigmatic order. It only says that his services were not satisfactory and such a conclusion has been drawn on the basis of inspection carried out by the senior officer earlier. In the circumstances we see no infirmity in the impugned order of termination. We hold that the O.A. is devoid of merit.

8. The learned counsel for the applicant submits that the applicant is sincerely apologetic as to what had happened and that if a further opportunity were to be given he would discharge his duties faithfully and the Department may keep this view and reengage the applicant. All that we say is that the Department ~~may~~ was taken into account the present submission whenever any vacancy arises and take an appropriate decision in this regard.

9. With the above direction, the O.A. is finally disposed of. No costs.

LJ
(Laxman Jha)
Member (J)

VRK
(V. Ramakrishnan)
Vice Chairman