

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

NO
Termination

O.A. No. 441 of 1992
T.A. No.

DATE OF DECISION 23-11-1992

Miss M.V. Patel

Petitioner

Shri Asim Pandya

Advocate for the Petitioner(s)

Versus

Union of India and Others

Respondent

Shri Akil Kureishi

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan

Vice Chairman.

The Hon'ble Mr. R.C. Bhatt

Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? *✓*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *✓*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *✓*

Miss M.V. Patel

Office of the Regional
Assistant Director,
National Sample Survey Organisation
Shri Mahavir Jain Vidyalaya premises
Paldi, Ahmedabad.

Applicant.

Advocate

Shri Asim Pandya

Versus

1. Union of India
Notice to be served through
Director
Field Operation Division,
National Sample Survey Organisation
New Delhi

2. Regional Assistant Director
National Sample Survey Organisation
Gujarat (W) Region
Government of India, M.J.Vidyalaya Premises
Opposite Paldi Bus Stand, Paldi, Ahmedabad. Respondents.

Advocate Shri Akil Kureshi

ORAL JUDGEMENT

In

O.A. 441 of 1992

Date 23-11-1992

Per Hon'ble Shri N.V.Krishnan Vice Chairman.

We have heard the learned Counsel for the applicants. The applicant is aggrieved by the Annexure 3.1 order dated 9th December 1992 by which her service -

was terminated. An appeal preferred by the applicant was dismissed on 6th March 1992, (Annexure A-5). The applicant is aggrieved by these orders and has sought to quash her termination.

2. It is stated by the counsel that on selection by the SSC, the applicant was appointed as Stenographer 'D' on probation for a period of two years. The probation was extended by a further period of three months. The learned Counsel submits that the Assistant Director who issued the order of termination at Annexure 3.1 had issued as many as 25 Memos to the applicant during the short period of probation. This shows his grudge on the alleged ground that the applicant belongs to a Schedule Caste. The learned Counsel for the applicant submits that the impugned order of termination is not an order simplicitor but amounts to punishment ~~of~~ the applicant. In this connection the applicant has also produced at A-2 the memorandum dated 28-9-1991 asking her to explain the poor record of typing referred to in that memorandum, which also shows that the termination is a punishment.

3. In these circumstances the applicant prays that the impugned order be set aside.

4. We notice that the applicant's services were terminated during the period of probation by the Annexure A-3.1 order which

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does not cast or attach any stigma on her. The reasons for terminating her service are the ^{un} ~~the~~ ^{un} satisfactory ~~nature~~ ^{of the} of her work. It is on this ground that discharge/termination of the services in the probation period is made. This cannot amount to punishment, so long as the order itself does not attach any stigma, because this is the settled law.

5. Therefore we do not ~~not~~ find any prima facie case in this application. Hence it is dismissed.

Prerna
(R.C. Bhatt)

Member (J)

Un
23.6.92
(N.V.Krishnan)

Vice Chairman.

*AS.