

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT SITTINGS AT AURANGABAD

~~XXXXXXXXXXXX~~ I

NEW BOMBAY BENCH

O.A. No.

198

T.A. No. 19/87

DATE OF DECISION 21-7-1988

Shri C.G.Deshpande, Petitioner

Shri C.L.Mulavekar Advocate for the Petitioner(s)

Versus

Youth Co-ordinator, Nehru Yuvak Respondent

Kendra Jaisingpura, Near University Gate  
Aurangabad.

Shri D.Y.Lovekar Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. The Hon'ble Vice-Chairman Shri B.C.Gadgil

The Hon'ble Mr. The Hon'ble Member(A) Shri P.Srinivasan.

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?

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT AURANGABAD

No. TR. 19/87

Shri C.G. Deshpande,  
Accounts Clerk-Cum-Typist  
Nehru Yuvak Kendra,  
Aurangabad,

Applicant

V/s

1) Youth Co-ordinator,  
Nehru Yuvak Kendra,  
Jaisingpura,  
Near University Gate,  
Aurangabad.

2) The Under Secretary to  
Govt. of India Ministry of  
Education and Culture,  
(Deptt. of Education),  
Shastri Bhavan, New Delhi.

Respondents.

Coram: The Hon'ble Vice-Chairman Shri B.C. Gadgil  
The Hon'ble Member(A) Shri P. Srinivasan.

Appearances:

Dated: 21-7-1988

Shri C.L. Mulavekar, Advocate for the applicant.

Shri D.Y. Lovekar, Advocate for the respondents.

ORAL JUDGEMENT (Per Shri P. Srinivasan Member (A)).

This application originated as Writ Petition No. 311/84 before the Aurangabad Bench of the Bombay High Court. The applicant was working as a Clerk-cum-Typist in the office of the Nehru Yuvak Kendra at Aurangabad. By order dated 20-2-84 his services were terminated under Sub Rule (1) of Rule (5) of the Central Civil Services (Temporary Service) Rules 1965. He filed this application challenging this order.


2. Shri C.L. Mulavekar learned counsel for the applicant and Shri D.Y. Lovekar learned counsel for the respondents have been heard.

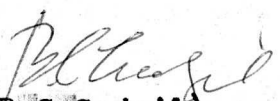
3. The Order by which the applicant's services were terminated purports on the face of it to be on order of termination simpliciter under the relevant rules applicable to temporary Government servants. However, from the detailed reply of the respondents it is clear that it was in fact in the nature of a punishment. A number of allegations have

been made in the reply of acts of commission and commission on the part of the applicant from which it is evident that this is not a case of termination simpliciter. <sup>his</sup> In application, the applicant has also alleged acts of victimization against him suggesting thereby that he was sought to be punished by the impugned order of termination. We need not however, go into the elaborate allegations made in the application and the counter allegations made in the reply. Since the principles of natural justice have not been observed in this case before terminating the services of the applicant we have no hesitation in quashing the impugned order. At the same time we are of the view that in the peculiar circumstances of this case the applicant is not entitled to any back wages. We, therefore, pass the following orders:-

- (1) The impugned order dated 20-2-84 terminating services of the applicant (Exh.5 Page 39 to the application) is set aside.
- (2) The applicant should be reinstated in service within one month from today. We understand that there is a vacancy at Jalgaon, the applicant will stand posted to that vacancy.
- (3) The applicant alleges that his pay and allowances for periods for which he had actually worked in 1981 have not been paid to him. The respondent should examine this and if any amount is found due to him the same should be paid to him within 3 months from today.
- (4) The period of absence from duty of the applicant till the date of reinstatement should be adjusted against all leave available to his credit including earned leave, half pay leave and leave without pay.

4. The application is disposed of on the above terms but in the circumstances of the case, parties to bear their costs.

  
( P.Srinivasan)  
Member (A).

  
(B.C.Gadgil)  
Vice-Chairman