

(7)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 797/88

Wilson William Shakespear.

... Applicant.

V/s

The Director
Vehicles Research & Development
Establishment, Ahmednagar,
Maharashtra.

... Respondent.

CORAM: Hon'ble Shri Justice U.C. Srivastava, Vice Chairman
Hon'ble Shri P.S. Chaudhuri, Member (A)

Appearance

Mr. Modgekar Advocate
for the applicant.

Mr. M.I. Sethna, advocate
for the respondents.

ORAL JUDGEMENT

Dated 30.8.91

{Per U.C. Srivastava, Vice Chairman}

1. The applicant was working in the office of Director, VRDE, Ahmednagar, as Canteen Supervisor. His services have been terminated by giving one month notice by order dated 14.2.1986. The applicant first approached the Trade Union and the Trade Union complained. Later on it was withdrawn and after approaching the labour court the applicant has approached the Tribunal for relief against the termination order.

2. The applicant was appointed as Canteen Supervisor in VRDE Department, in the pay scale of Rs. 260 - 400 on probation for two years, vide office order dated 3.12.1982. After completion of the probationary period no flaw was pointed out yet his probation was extended by a period of six months.

He completed that period also satisfactorily. According to the applicant in 1985 a new branch of the Canteen was started at Arangaon which is about 18 km away and the applicant was asked to look after the work at both the places. The applicant expressed his inability to work at both the places as it was not practicable. The Junior Scientific Officer then started harrasing the applicant. The applicant was asked to resign the job but he refused to do so. According to the applicant it is because of this reason that his services were terminated. Prior to the termination of his services a letter was sent to him regarding offer of appointment as Waiter which offer the applicant did not accept.

3. The respondents have opposed this application stating that he was a temporary employee and as such his services were terminated, giving him one month's notice. Regarding the so called probationary period which according to the applicant was satisfactorily done and no flaw in his working has been pointed out, the respondents stated that his services were terminated taking into consideration his over all performance and conduct.

4. It has not been stated as to what is wrong with his conduct and what was the shortcoming in his working. No notice whatsoever is given to him during the period he was serving. Obviously sudden deterioration in the work of the applicant has led to the termination of service of which he was not apprised. Such termination of service is obviously arbitrary and punitive. Such an arbitrary order is violative of

Article 14 of the Constitution and so cannot be sustained.

5. Accordingly, the application is allowed and the termination order dated 14.2.1986 is quashed. The applicant would be deemed to be in service. However it is made clear that he will be entitled to back wages only from the date of filing of this application in the Tribunal i.e. from 28th December 1988 and will not be entitled to back wages prior to that date. In the circumstances there would, however, be no order as to costs.



(P.S. CHAUDHURI)
MEMBER (A)



(U.C. SRIVASTAVA)
VICE CHAIRMAN