

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 2 MAR 1989

APPLICATION NO (x) 1947 / 88(F)

W.P. NO (S)

Applicant (x)

Respondent (s)

Shri K.R. Ramachandra Naik  
To

V/s

The Air Commodore, Air Officer Commanding,  
AF Stn, Jalahalli, Bangalore

1. Shri K.R. Ramachandra Naik  
S/o Shri Ramaji Naik  
R/o Karlahalli  
Karlimangala Post  
Nagadi Taluk  
Bangalore District
2. Shri R.A. Shiraguppi  
Advocate  
142-A, 6th Main  
IV Block, Rajajinagar  
Bangalore - 560 010
3. The Air Commodore  
Air Officer Commanding  
Air Force Station  
Jalahalli  
Bangalore - 560 015
4. Shri M. Vasudeva Rao  
Central Govt. Stn Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER ~~/SPR/INTERIM ORDER~~  
passed by this Tribunal in the above said application(x) on 20-2-89.

Encl : As above

*Deputy Registrar*  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTIETH DAY OF FEBRUARY, 1989.

Present: Hon'ble Shri Justice K.S. Puttaswamy .. Vice Chairman  
Hon'ble Shri L.H.A. Rego .. Member (A)

APPLICATION NO. 1947/88

Shri K.R. Ramachandra Naik  
S/o. Ramaji Naik  
R/o Karlahalli  
Koramangala Post  
Taluk: Magadi  
District: Bangalore.

.. Applicant

(Shri R.A. Shiraguppi, Advocate)

Vs.

The Air Commodore  
Air Office Commanding  
Air Force Station  
Jalahalli  
Bangalore-15.

.. Respondent

(Shri M. Vasudeva Rao, A.C.G.S.C.)

This application having come up  
for hearing before this Tribunal today, Hon'ble Vice  
Chairman, made the following:

O R D E R

This is an application made by the  
applicant under Section 19 of the Administrative  
Tribunals Act, 1985 (Act).

2. Shri K.R. Ramachandra Naik, the  
applicant before us, who claims to be a member of a  
Scheduled Caste (SC) applied for the post of Store  
Keeper in the Air Force Station, Jalahalli (Station).  
On that the Air Commodore, of the Station, by his

....2/-



Order No. JAL/1301/1/PC, dated 7th May, 1988 (Annexure-A) appointed him to the said post on a temporary basis. On an evaluation of his performance in that post the Air Commodore by his notice dated 12.7.1988, had terminated his services with one month's notice thereto, under the Central Civil Services (Temporary Service) Rules, 1965 (Rules). On that, the applicant made representation to the Air Commodore, who by his Order No. JAL/1322/NYA/PC, dated 30.8.1988 (Annexure-E) had rejected the same. Hence, this application.

3. In justification of the orders, the respondent has filed his reply and has produced the records.

4. Shri R.A. Shiraguppi, learned counsel for the applicant, contends that the termination of his client was as a measure of punishment in contravention of Article 311 of the Constitution and the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (CCA Rules) and was therefore, illegal. In support of his contention, Shri Shiraguppi strongly relies on the ruling of the Supreme Court in *INDRA PAL GUPTA v. THE MANAGING COMMITTEE, MODEL INTER COLLEGE, THORA* (AIR 1984 Supreme Court, 1110).

5. Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for respondent, refuting the contention



of Shri Shiraguppi, contends that the termination of the applicant was on the ground that he was unsuitable to hold the post and was in conformity with the Rules and does not justify our interference at all.

6. In the notice, the Air Commodore had not stated any reason for the termination of the applicant. In his representation, the applicant stated various factors, on which he pleaded that he should not be terminated and he should be retained in service. In answer to the same, the authority had stated reasons for justifying the termination of the applicant from service. On this, we cannot hold that the authority had cast a stigma on the character and conduct of the applicant. If the authority had not cast a stigma on the character and conduct of the applicant, then we cannot hold that the removal of the applicant was <sup>as a</sup> a measure of punishment. On this the authority holding an inquiry in conformity with Article 311 and the CCA Rules, 1965, does not arise. From this follows that the ratio in INDRA PAL GUPTA's case does not bear on the point and assist the applicant.



7. On the foregoing discussion, we hold that there is no merit in this contention of Shri Siraguppi and we reject the same.

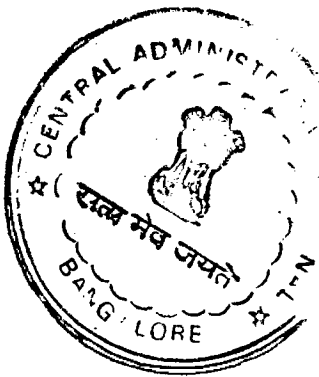
8. Shri Shiraguppi next contends that whatever be the indiscretion acts of the applicant, -this is a fit case in which this Tribunal should interfere with the impugned order and give him one more chance to rehabilitate himself and give a better account in the performance of his duties.

9. Shri Rao opposes the submission of Shri Shiraguppi.

10. On an evaluation of the performance of the applicant in the post, the appointing authority had found that he was not suitable for the post. Every one of the papers placed before us support this conclusion of the appointing authority.

11. We cannot examine the conclusion of the appointing authority as if we are a court of appeal and come to a different conclusion. If that is so, then there is no justification for us to interfere with the termination of the applicant.

12. As all the contentions urged for the applicant fail, this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.



TRUE COPY

*[Signature]*  
DEPUTY REGISTRAR (JDI 713)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

*[Signature]*  
VICE CHAIRMAN

*[Signature]*  
MEMBER (A) 12.2.89