

29/12/98
CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS.: 297/98, 298/98, 299/98,
300/98 AND 301/98.

Dated this Tuesday, the 8th day of December, 1998.

CORAM : Hon'ble Shri Justice R. G. Vaidyanatha,
Vice-Chairman.

Hon'ble Shri D.S. Baweja, Member (A).

Digamber Nathuji Bhende,
Plane Tabler, Gr. IV,
No. 85, Party (SCC),
Survey of India.

R/o. Digamber Kirana Stores,
Shantinagar, Telipura,
Nagpur - 2.

.. Applicant in
O.A. No. 297/98.

Pravin Ramraoji Anturkar,
Plane Tabler Gr. IV, No. 85,
Party SCC, Survey of India.

R/o. Telipura, Peotha,
Itwari, Nagpur.

.. Applicant in
O.A. No. 298/98.

Ravi Uddhao Bhilawe,
Plane Tabler Gr. IV, No. 85
Party SCC, Survey of India.

R/o. 135, Misal Layout,
Post Jaripatka,
Nagpur - 14.

.. Applicant in
O.A. No. 299/98.

Anant Dashrath Waghmare,
Plane Tabler Gr. IV,
No. 85, Party (SCC),
Survey of India.

R/o. Jayant Kirana Stores,
Misal Layout, Jaripatka,
Nagpur - 14.

.. Applicant in
O.A. No. 300/98.

Roshan Ishwardas Patil,
Plane Tabler Gr. IV,
No. 85, Party (SCC),
Survey of India.

R/o. Misal Layout,
Near Shiv Mandir, Jaripatka,
Nagpur - 14.

.. Applicant in
O.A. No. 301/98.

(By Advocate Mr. M. M. Sudame)

VERSUS

9A/300/98
copy not kept
in India

1. Union Of India through its Secretary, Ministry of Science and Technology, New Delhi.
2. The Surveyor General of India, P.O.Box No. 37, Hathi Barkala Estate, Dehradun (U.P).
3. The Additional Surveyor General, South Zone, Survey of India, Koramangla, IIInd Block, Sarjapur Road, Bangalore - 34.
4. Director (S.C.C), Survey of India, No. 3-4-526/38, Barkat Pura, P.Box No. 1276, Hyderabad (AP).
5. Superintending Surveyor, O.C. No. 85, Party (SCC), Survey of India, C.G.O. Complex, Block 'C', 1st Floor, Seminary Hills, Nagpur - (MS).

(By Advocate Shri R. K. Shetty).

: OPEN COURT ORDER :

PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN

These are five applications filed by the five applicants challenging the simplicitor order of termination of their services by different orders of same date, namely - 06.03.1998. The respondents have filed reply opposing the application. We have heard the Learned Counsels appearing on both sides regarding admission and interim relief.

2. All the applicants came to be appointed as 'TOPO Trainee Type 'B' in the office of the fifth respondent at Nagpur. Now the respondents have terminated the services of the applicants by order dated 06.03.1998 by exercising power under Rule 5(1) C.C.S. (Temporary Service) Rules, 1965. Being aggrieved by that order, all the applicants have approached this Tribunal challenging that

the order on the ground that it is arbitrary, etc.

The respondents have filed a reply justifying the order of termination and they have stated that the entire recruitment process was vitiated due to some malpractices by the concerned officers and C.B.I. enquiry has been ordered.

On our request, the Learned Counsel for the respondents was able to get the C.B.I. report in a sealed cover and placed it before us. We have opened the sealed cover and perused the C.B.I. report. After perusal of the C.B.I. report, the same has been returned to the Counsel for the respondents, Shri R. K. Shetty.

3. Since the applicants are temporary servants and their services were terminated by a simplicitor order under Rule 5 (1) of the C.C.S. (Temporary Service) Rules, no stigma is attached to the termination of the applicants. As per rules, the respondents need not give any reasons while terminating the services of an employee who is in temporary service. But since the applicants are challenging the order on the ground of malafides and arbitrary, we have perused the records and we are satisfied that there was a C.B.I. enquiry, which discloses some serious malpractices on the part of the concerned officers in the impugned recruitment process.

As per rules, appointments can be done only through Employment Exchange. However, a voluntary organisation sponsored the names of the applicants, which is not supported by any rule. Apart from this, the C.B.I. enquiry reveals serious alleged misconduct on the part of concerned officers in appointing the applicants

and other candidates. The C.B.I. has also recommended issuance of major penalty charge-sheet to the concerned officers who were involved in the recruitment process. Therefore, it is not a case where the action of the respondents can be said to be arbitrary or malafide in terminating the services of the applicants.

4. As pointed out by the Supreme Court in a judgement reported in 1998 . SCC L&S 1536 [State of U.P. V/s. Rajendra Kumar Singh .], if complaints are received, it is not necessary for the administration to hold an enquiry but they can simplicitor terminate the services without holding an enquiry and the order is valid under Rule 5 of the C.C.S. (Temporary Service.) Rules, 1965. Since it is a case of simplicitor termination, it will not affect the career of the applicants in any way and it will not carry any stigma on the termination of the applicants.

5. Having regard to the facts and circumstances of the case, this is not a fit case for admitting the application and for granting any interim relief to the applicants.

6. In the result, the applications are rejected at the admission stage. No order as to costs. M.P. Nos. 412/98, 413/98, 414/98, 415/98 and 416/98 respectively, are disposed of, since we have heard the O.As. at Bombay as requested in the M.Ps. There will be no order as to costs.

Member (A)

Vice-Chairman.