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In the Central Administrative Tribunal, Jaipur Bench,
Jaipur.

Date of Order: August 24, 1992.

T.A. No. 1404/86.

Prahlad

...Applicant.

Mr. S.C. Purohit

...Counsel for Applicant.

V.

Union of India & ors.

...Respondents.

None for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice Chairman

Hon'ble Mr. B.B. Mahajan, Adm. Member.

Mr. B.B. Mahajan, Adm. Member:

Prahlad had filed an application for injunction in the court of Munsif Magistrate, Alwar, against his apprehended termination of services. Subsequently, an amended suit was filed for quashing the order of termination of his services vide order dated 20.12.80. The suit has been transferred to this Tribunal u/s 29 of the Administrative Tribunals Act.

2. The applicant was appointed as temporary Chowkidar vide order dated 8.11.79. He joined duty on 20.11.79. Vide order dated 20.12.80, his services were terminated under rule 5 sub-rule (1) of Temporary Service Rules, 1965. Respondents have stated in their reply that his character verification role was sent to the District Collector, Alwar, who vide his letter dated 3.10.80 informed them that the applicant was a habitual offender and two

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serious criminal cases were pending against him in the criminal court. Thereupon the services of the applicant were terminated vide the impugned order dated 20.12.80.

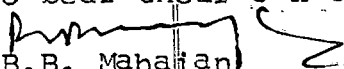
3. We have heard the learned counsel for the applicant and perused the record.

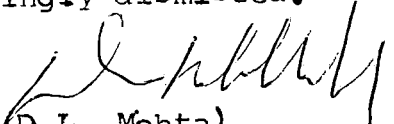
4. The appointment order issued to the applicant on 8.11.79 provided that the appointment is purely temporary and services are terminable without notice and without assigning any reason during the first year and with one month's notice on either side thereafter. The learned counsel for the applicant has stressed on the fact that since one year's service had already been completed, one month's notice was required, which has not been given to the applicant. We find no averment in the suit filed before the Munsif that one month's notice had not been given. In fact, it appears from the facts stated in paras 4 and 6 of the suit that one month's notice had actually been given as the order of termination ~~x~~ is dated 20.12.80 while the applicant had continued in service till 21.1.81. The applicant has not denied the correctness of the report regarding pendency of criminal cases. In fact certified copy of judgment of Judicial Magistrate, Alwar dated 7.10.77 filed in the case shows that the applicant had been convicted of offence ~~xxx~~ under sections 147 and 323 I.P.C. in that case. The termination of the services of the applicant under the Temporary Service Rules in view of the adverse report regarding character verification and pendency of criminal cases against him, was thus perfectly in order and no illegality is shown to

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have been committed in this case which may require interference.

5. The T.A. is accordingly dismissed. Parties to bear their own costs.


(B.B. Mahajan)
A.M.


(D.L. Mehta)
V.C.

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