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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 1142 /97.

Date of decision: September 22, 1997.

Between:

M.Chandru. .. Applicant.

And

1. The Director General, Ordnance Factory Board,
10-A, Auckland Road, Calcutta.
2. The Regional Director of Training,
Regional Training Institute, Ordnance
Factory Project (Board), Yeddumailaram,
Medak District. Respondents.

Counsel for the applicant: Sri P.Naveen Rao.

Counsel for the respondents: Sri V.Rajeswara Rao.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri B.S.Jai Parameshwar, Member (J))

Heard Sri Phaniraj for Sri Naveena Rao, the learned counsel for the applicant and Sri V.Rajeswara Rao, learned counsel for the respondents.

The applicant was initially appointed as Peon-cum-Information Technology Assistant on casual basis vide Order No.37 during the month of December, 1996. Subsequently,

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his services in the said post were regularised with effect from 1-3-1997 by the 2nd respondent by Order No.48 dated 11.3.97 in the Office of the Regional Director, Regional Training Institute, Yeddumailaram, Medak District. On 14-8-1997 the respondents terminated the services of the applicant.

The applicant has filed this O.A., challenging the Order dated 14-8-1997 by which his services were terminated.

The main contention of the applicant is that before terminating his services, the respondents have not given him any notice.

We enquired the learned counsel for the respondents whether a show cause notice had been issued to the applicant before the impugned order is issued to the applicant, the learned counsel for the respondents submitted that no show cause notice was issued to the applicant. Hence, we suspend the operation of the impugned order dated 14-8-1997.

The respondents have filed counter stating that the applicant herein was a probationer. Hence he was not a regular employee and that during the probationary period, his services could be terminated without any notice. They further submit that the applicant was appointed on

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casual basis without recourse to the Employment Exchange. Further it is stated in para 6 of the reply that the termination was necessitated due to non-availability of sanctioned posts of Peon for RTIMK, ban on recruitment to posts by the Central Government, incorrect understanding of Govt. rules by the then RDT while appointing the applicant and no requirement of peons at RTIMK.

The reasons given for the termination as quoted above appears to be very strange. These reasons were available before the respondents even before the applicant was appointed. Hence, they cannot plead ignorance of the facts now projected by the applicant. Further, the learned counsel for the respondents submitted that during the probation period the services of the applicant ^{could} ~~can~~ be terminated. During the probationary period normally (1) Rule 5(b) of C.C.S. (Temporary Service) Rules will definitely apply. That rule clearly provides one month's notice before termination of service of an employee. The notice is obligatory and that cannot be waived.

In view of the above, we feel that the respondents have terminated the services of the applicant without following the rules. Hence the impugned Order No. 0160/RDT/RTIMK/97-98 dated 14-8-1997 is hereby set aside. However, this will not

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stand in the way of the respondents to take suitable action against the applicant in accordance with law for termination of the services of the applicant on valid grounds.

The O.A., is allowed. No costs.



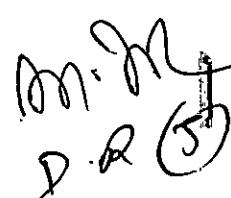
B.S.JAI PARAMESHWAR,
MEMBER (J)
22.9.97



R.RANGARAJAN,
MEMBER (A)

Date: 22--9--1997.

Dictated in open Court.



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Copy to:-

1. The Director General of Ordnance Factory Board, 10-A, Auckland Road CALCUTTA.
2. The Regional Director of Training, Regional Training Institute, Ordnance Factory Project (Board) Yedumailaram, Medak Dist.
3. One Copy to Mr. P. Naveen Rao Advocate CAT. HYD.
4. One Copy to Mr. V. Rajeswar Rao Addl. CGSC. CAT. HYD.
5. One Copy To The Hon'ble Sri B.S.Jai Parameshwar M(J) CAT.HYD.
6. One Copy to The D.R(A).
7. One Duplicate Copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (J)

Dated: 82-9-97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in

O.A.NO.

1142/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

