

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.470/99

Date of order: 6/11/2009

Khemchand, S/o Sh.Bhanwar Lal, Ex-Class 'D' employee, Central School, CRPF Group Centre-2, Foy Sagar Road, Ajmer, R/o House No.565/25Paharganj, Ajmer.

...Applicant.

Vs.

1. Union of India through the Secretary, Mini. of Administrative Reforms & Human Resources, Govt of India, New Delhi.
2. Assistant Commissioner, Near Tonk Road Bridge, Jaipur.
3. The Principal, Central School @, CRPF, Group Centre-II, Foy Sagar Road, Ajmer.

...Respondents.

Mr.A.L.Verma : Counsel for applicant

Mr.V.S.Gurjar : for respondents.

CORAM:

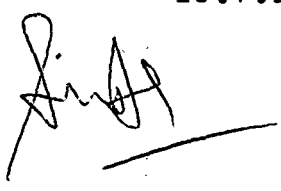
Hon'ble Mr.S.K.Agarwal, Judicial Member.

Hon'ble Mr.A.P.Nagrath, Administrative Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant has challenged the order dated 24.2.98 Annx.A5 by which the services of the applicant were terminated by respondent No.3.

2. Facts of the case as stated by the applicant are that the applicant was appointed vide order dated 15.7.97 against the vacant post after holding due process of selection on Group-D post. In pursuance of the order dated 15.7.97, the applicant joined on 16.7.97. Thereafter his



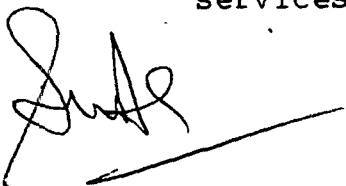
term was extended for 3 months but he was allowed to work even after 3 months, till his services were terminated. It is stated that the applicant was informed vide letter dated 6.1.98 that he is not obeying the orders of his superiors, thereafter suddenly, without assigning any reason, the services of the applicant were terminated vide order dated 24.2.98. It is stated that principles of last come first go have been violated in terminating the services of the applicant and his services were terminated on the ground of malafide. It is also stated that the order of termination is stigmatic/punitive, therefore, liable to be quashed. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. It is stated in the reply that the applicant was appointed on 15.7.97 on ad hoc basis and for a fixed period only, hence the applicant has no right to continue on the post after the expiry of the fixed period and as per the terms of appointment, such appointment shall automatically come to an end. The allegations of malafide have been completely denied and it is stated that the order of termination is neither stigmatic nor punitive and it is perfectly legal and valid. Therefore, the applicant has no case for interference by this Tribunal.

4. Rejoinder has also been filed reiterating the facts as stated in the O.A.

5. Heard the learned counsel for the parties and also perused the whole record.

6. On a perusal of the order of appointment, it appears that the applicant was initially appointed purely on ad hoc basis for three months but he was continued till his services were terminated vide the impugned order dated

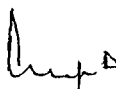


24.2.98. The order of appointment makes it very clear that the applicant was appointed purely on ad hoc basis for three months and after accepting the terms and conditions as contained in the order of appointment, the applicant joined duties on 16.7.97. No malafides could be established by the applicant. The applicant even did not impute any malafides against any person and no one has been impleaded as party respondent<sup>against</sup> whom malafides can be imputed. In Madhya Pradesh Hasta Shilpa Vikas Nigam Ltd. Vs. Devendra Kumar Jain & Ors, (1995) 1 SCC 638, it was held that in case of appointment made on temporary basis, the services can be terminated without notice or without assigning any reason. It is also held that in such a case following the formality of Article 311 of the Constitution is not necessary, before passing the order of termination.

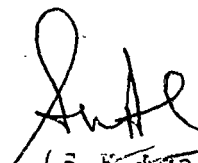
7. On a perusal of the order of appointment, it is clearly evident that the order of appointment is neither punitive nor stigmatic. In Chandra Deo Gautam Vs. State of U.P. & Ors, 2000(2) S.C Services Law Judgment 467, it was held by Hon'ble Supreme Court that if the order of termination does not cast any stigma and it is only an order of simplicitor, the order is valid and the applicant is not entitled to any show cause/opportunity of hearing.

8. In view of the settled legal position and facts and circumstances of this case, we are of the opinion that the applicant has no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed.

9. We, therefore, dismiss this O.A having no merits with no order as to costs.

  
(A.P. Nagrath)

Member (A).

  
(S.K. Agarwal)

Member (J).