

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 641 of 2001

Jabalpur, this the 18th day of May, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Gajendra Singh, S/o. Shri Sohan Singh,
aged about 22 years, Bungalow Peon,
R/o. G. Koti, P.O. Jarwani Dhar,
District Tehri Garhwal (Uttaranchal). Applicant

(By Advocate - Shri V. Tripathi)

Versus

1. Union of India,
through its Secretary,
Ministry of Railway, Railway Board,
New Delhi.
2. General Manager, Central Railway,
C.S.T., Mumbai.
3. Chief Factory Manager, Rail
Spring Karkhana, Sithouli,
Gwalior.
4. Asstt. Personnel Officer,
Rail Spring Karkhana, Sithouli,
Gwalior. Respondents

(By Advocate - Shri M.N. Banerjee)

ORDER

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has claimed the following main reliefs :

"(ii) set aside the termination order dated 11.9.2001 Annexure A-1,

(iii) direct the respondents to reinstate the applicant with full back wages and other consequential benefits as if the impugned order aforesaid is never passed."

2. The brief facts of the case are that the applicant was subjected to a selection for the post of Bungalow Peon under the respondent No. 3. He was appointed vide order dated 6.1.2000. The applicant worked with utmost honesty, sincerity and devotion. Suddenly the impugned order dated 11.9.2001 came as a bolt from a blue to the applicant, whereby he was

terminated from the service. It was incorrectly mentioned that the applicant was absent from his duty since 8.9.2001. The Department should have given an opportunity to the applicant to rebut the said allegation. The post of Bungalow Peon is still available and is lying vacant. There is no justification or reason in terminating the services of the applicant. Hence the order passed by the respondents is against the law and the termination order is bad in law and is liable to be set aside.

3. Heard the learned counsel for the parties and perused the records carefully.

4. It is argued on behalf of the applicant that the services of the applicant is terminated without giving any opportunity of hearing and no enquiry was also held in this matter. The learned counsel for the applicant has drawn our attention towards the appointment letter of the applicant dated 6.1.2000 (Annexure A-2). He was never absent from his duty on any date and no reason is assigned in the impugned order.

5. In reply it is argued on behalf of the respondents that the termination order dated 11.9.2001 (Annexure A.1) has been rightly issued. The applicant was not subjected to any selection but the applicant applied for the post of Bungalow Peon and his request was accepted. He was alone who applied on the said ~~and~~ and was appointed ~~to~~ post/with the condition that his services are purely temporary and is likely to be terminated without assigning any reason. He will be eligible for screening after completion of 3 years of regular service. Since the services of the applicant was in substitute capacity, the question of disciplinary proceedings does not arise. The applicant was warned earlier on several occasions and was asked to improve. But he remained absent on certain dates. Nobody has been appointed on the place of the applicant but this does not give any right to the applicant to

be appointed against the said post and his services was also not satisfactory.

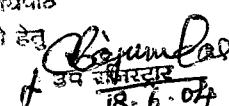
6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that the applicant was appointed purely on temporary basis. Hence any departmental proceedings were not required to terminate the services of the applicant. We have also perused the termination order Annexure A-1 dated 11.9.2001 in which no stigma or any type of punishment is given to the applicant. It is not an order passed by any disciplinary authority, appellate authority or revisional authority after conducting ^{hence} the departmental proceedings. Hence this termination order no reasons are required to be mentioned and is passed in accordance with law. It is also mentioned in the order that wages in lieu of 14 days notice is paid to the applicant. Purely temporary employee do not have any right for regularisation in the services. Thus, we do not find any ground to interfere in the orders passed by the respondents.

7. Accordingly, we are of the considered opinion that the Original Application does not have any merit and is liable to be dismissed. Hence, the Original Application is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन से ओ/न्या..... जयललुर, दि.....
संतिरितिः दादो शिरः--
(1) रामेश, उच्च न्यायालय वाय एम्पीलियूट, नवलपुर
(2) आमेश्वर धी/शीर्षती/चु..... के कालेसल V, Tripatli
(3) प्रत्ययी श्री/श्रीमती/चु..... के कालेसल MM Banjre
(4) चंद्रमल, केन्द्री, नवलपुर न्यायालय
रुद्रजा एवं आवश्यक कार्यवाही हेतु 
उप न्यायालय
18-6-04

*Tissued
On 21-6-04
BB*