

(OA No 060/00664/2014) 91

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

ORIGINAL APPLICATION NO. 060/00664/2014

Chandigarh, this the 30th day of October, 2015

CORAM: HON'BLE MR. JUSTICE L.N. MITTAL, MEMBER (J)
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

Vikram Singh son of Sh. Richhpal Singh aged about 30 years, at
present resident of Village Kuhar, Tehsil Kosli, District Rewari,
Haryana. ...APPLICANT

BY ADVOCATE: SHRI M.K. DOGRA

VERSUS

1. Union of India through its Secretary, Ministry of Defence, New Delhi.
2. Director General, Supplies and Transport, Sups and Transport Directorate, Army Head Quarters, New Delhi.
3. Army Service Corps, Head Quarters, Northern Command, Udhampur (J & K).
4. Army Service Corps, Records (M.T.), Bangalore.
5. Commanding Officer, 5121, ASC Battalion, Civil G.T. (General Transport), Pathankot.

...RESPONDENTS

BY ADVOCATE: SHRI SANJAY GOYAL

ORDER (Oral)

HON'BLE MR. JUSTICE L.N. MITTAL, MEMBER (J):-

By filing this O.A., Vikram Singh has assailed order dated 11.04.2014 (Annexure A-1), thereby terminating his services as

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मेजर/लेंडर/कर्नल/Maj/Lt Col
अधिकारी ईन्याज/न्याय कक्ष
OIC Legal Cell
5121 सेना लैन बोर बटालियन
(पांडित परिषद)
5121 ASC E.O. (M1)
कर्ता कमान अधिकारी/for CO

Civilian Motor Driver (Ordinary Grade). It is undisputed that after going through the selection process, the applicant was appointed as Driver vide appointment letter dated 06.04.2010 (Annexure A-9) and he joined the post on the same day. Services of the applicant have been terminated vide impugned order dated 11.04.2014 on twin grounds; i.e. experience certificate was issued prior to the date of issuance of Driving License and was, therefore, invalid, and besides it, the applicant was declared unfit for retention in service.

2. We have heard counsel for the parties and perused the case file.

3. Admittedly, the probation period was two years. The impugned order was passed after the applicant had served the respondents for four years. Thus, the impugned termination order (1) was not passed during the probation period. Consequently, services of the applicant could not be terminated without holding a regular departmental enquiry. In the instant case, however, concededly no departmental enquiry was held before terminating the services of the applicant. In fact, even show cause notice was not issued to the applicant before passing the impugned termination order. Consequently, the impugned order is illegal and unsustainable being

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C-T-C

against the principles of natural justice as well as statutory rules and Article 311 of the Constitution of India.

4. Resultantly, the instant O.A. is allowed and the impugned termination order dated 11.04.2014 thereby terminating the services of the applicant is set aside and the respondents are directed to reinstate the applicant in service immediately. However, since the applicant has not served during the interregnum after his services were terminated, he shall not be entitled to salary for the period since the date of termination till reinstatement. However, that period may be counted for the purpose of seniority, continuity of service and other related benefits. The process of reinstatement be completed within 30 days from today. The respondents shall, however, be at liberty to proceed afresh against the applicant in accordance with law.

(JUSTICE L.N. MITTAL)
MEMBER(1)

(RAJWANT SANDHU)
MEMBER(A)

Dated: 30.10.2015
'SK'

30/10/15
Rajwant Sandhu

C-I-C
Rajwant Sandhu

महाराजा राजवाल/Maj/Lt Col
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