

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.746/2013

Reserved on 24.07.2018
Pronounced on 27.07.2018

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr.S.N.Terdal, Member (J)

Jai Kishan,
S/o Sh.Kanchhedi Lal,
R/o H.No.M-281, J.J.Colony,
Shakar Pur, New Delhi.

... Applicant

(By Advocate Shri M.K.Bhardwaj)

VERSUS

1. DTC through
Delhi Transport Corporation,
Through its Chairman-cum-Managing Director,
I.P.Estate, New Delhi.
2. The Manager (Personnel),
PLD, DTC, I.P.Estate,
New Delhi.

(By Advocate : Mr. A.K.Roy for Mr. Manish Garg)

ORDER

Mr.S.N. Terdal, Member (J)

Heard Shri M.K.Bhardwaj, counsel for the applicant and Shri A.K.Roy, counsel for the respondents, perused the pleadings and all the documents produced by both the parties.

2. The crucial question in this case is whether the impugned termination order dated 21.11.2012 is bad in law.

3. The relevant facts of the case are that the applicant was appointed on 16.10.2009. The Character Verification Report (CVR) form filled up by the applicant was sent for police verification. After the verification, it was informed by the concerned department of Delhi

Police that the applicant was involved in a criminal case and he was fined in that case. The said fact was concealed by the applicant while replying with respect to the concerned column in the said CVR form. In the offer of appointment dated 03.03.2009 itself as terms and conditions of appointment at para 7, 8 and 12 it was specifically mentioned that he will be terminated in case he does not disclose any information requested for in CVR form. It was also specifically mentioned that in such cases he would be terminated without any notice and without assigning any reason thereof. The said terms and conditions are extracted below:-

"7. He is required to declare the information as prescribed in Form No.17. In case of negative character verification report, his services will be terminated without any notice.

8. His appointment is purely temporary. He shall be on probation for a period of 2 years from the date of appointment. During the period of his probation, his services shall be liable to be terminated any time without notice and without assigning any reason thereof. He shall be considered as having completed the period of probation satisfactorily only when a notification to this effect is issued by the Competent Authority.

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12. In case of finding any information given by him incorrect at any stage, his services are liable to be discharged from the threshold. Thus, he would not be given any service benefit for the period as the initial eligibility/requirement would not stand satisfied."

4. In view of the said terms and conditions and in view of the suppression of information by the applicant and after coming to know of the true facts in the police verification, the applicant was terminated invoking the Para 9(a)(i) of the DRTA (Conditions of Appointment and Services), Regulation, 1952, which is extracted below:-

"9. Termination of service :- (a) Excepts as otherwise specified in the appointment orders, the services of an employee of the Authority may be terminated without notice or pay in lieu of notice:-

(i) During the period of probation and without assigning any reasons thereof."

5. The counsel for the applicant vehemently and strenuously urged that the termination order is cryptic. It is not supported by any reason. It is not followed by any departmental enquiry and that many similarly situated employees were not terminated.

6. However, in view of the fact that the applicant was not a confirmed employee and he was still on probation and in view of the facts narrated above, the termination order dated 21.11.2012 does not suffer from any illegality. Accordingly, OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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