

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/1355/2014

New Delhi, this the 24th day of April, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Chandra Prakash
Son of Shri Malkhan Singh
R/o Village Jalilpur
PO Nanhera, Alyarpur,
Distt. Amroha, U.P.

....Applicant

(None appeared)

Versus

1. Union of India, through
The Director General
Central Bureau of Investigation,
CGO Complex, Lodhi Road,
New Delhi
2. Senior Superintendent of Police and
Head of Branch,
Central Bureau of Investigation
Special Crime Branch,
A-2 Wing, 8th Floor, CGO Complex,
CBD Belapur,
Navi Mumbai-400614
3. Superintendent of Police (HQ) CBI,
CGO Complex,
Lodhi Road, New Delhi

... Respondents

(Through Dr. Ch. Shamsuddin Khan, Advocate for respondent 1)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant was appointed as a Senior Clerk Steno in the respondent organization-CBI, in the year 2011. The confirmation of his service was subject to clearing certain test and keeping good conduct. However, it was noticed that he failed to fulfill the conditions incorporated in the order of appointment during the probation period and was found to be exhibiting conduct unbecoming of a public servant by showing indecent behavior towards female employees. Accordingly, his services were terminated through order dated 1.10.2013. The same is challenged in this OA.

2. The applicant contends that no inquiry was conducted before passing the impugned order of punishment.

3. The respondents filed a counter affidavit opposing the OA. It is stated that the appointment of the applicant itself was subject to certain conditions and the question of conducting inquiry would arise if only probation was declared. It is stated that during the period of probation, the applicant not only failed to fulfill the conditions but also started misbehaving with female employees.

4. The OA was listed in the past on several occasions but there was no representation for the applicant. On 9.04.2019, it was clearly mentioned that if the same situation of default on

the part of the applicant continues on the next date, the OA shall be disposed of in terms of Rule 15 of CAT (Procedure) Rules.

5. We heard Dr. Ch. Shamsuddin Khan, learned counsel for respondent no.1 and perused the record.

6. It is evident from the perusal of letter of appointment of the applicant that he was required to clear certain proficiency test as a condition precedent for regularization. Added to that, he was required to maintain good conduct.

7. In their counter affidavit, the respondents categorically state that the applicant failed to clear the test and his behavior towards female employees was indecent and unbecoming of a public servant. The necessity of conducting inquiry would have arisen only if the applicant was an approved probationer. The impugned order, therefore, was passed in terms of Rule 5 of the Central Civil Service (Temporary Service) Rules, 1965.

8. We do not find any ground to interfere in the impugned punishment. The OA is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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