

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.1107 of 2015

This the 17th day of December, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Hon'ble Mr. S.N. Terdal, Member (J)

Lakhan Singh Meena S/o Shri Ramkishan Meena
(Group B) Executive Officer,
Age 27 years,
Flat No.16/H-34 Sector -3,
Rohini, New Delhi-110085.

....Applicant

(By Advocate : Shri Kritika Shukla for Shri M.V. Kini)

VERSUS

1. Chairman,
Quality Council of India
2nd Floor, Institution of Engineering Building,
Bahadur Shah Zafar Marg, New Delhi-110002.

2. CEO
NABET
Quality Council of India,
2nd Floor, Institution of Engineering Building,
Bahadur Shah Zafar Marg, New Delhi-110002.

3. Secretary General,
Quality Council of India
2nd Floor, Institution of Engineering Building,
Bahadur Shah Zafar Marg, New Delhi-110002.

.....Respondents

(By Advocate : Shri Achin Goel for Shri Vikas Chopra)

ORDER (Oral)

Ms. Nita Chowdhury, Member (A):

Heard learned counsel for the parties.

2. By filing this OA, the applicant is seeking the following
reliefs:-

- “(a) to set aside impugned suspension letter dated 22-08-2014 and to direct the Respondents to pay the full allowances from the date of suspension as if the Applicant has never been put under suspension.
- (b) Set aside the charge sheet dated 01-09-2014, enquiry orders dated 01-09-2014, proceedings dated 17-10-2014, 27.10.2014, enquiry report dated 30.10.2014.
- (c) to set aside the impugned termination order dated 30.12.2014 and direct the Respondent to reinstate the Applicant with all consequential benefits of salary, arrears of salary from the date of termination till the reinstatement, and/or
- (d) exemplary cost for litigation expenses in favour of the applicant and against the respondents may be awarded in the facts and circumstances of the case and in the interest of justice; and/or
- (e) pass any other and further order as this Hon’ble CAT may deem fit and proper in the facts and circumstances of the case, in favour of the applicant and against the Respondents;”

3. Since in this case, the applicant who was on probation was chargesheeted and an inquiry was also held by the respondents and after completion of inquiry, inquiry officer submitted his report and the same was served upon the applicant, who, in turn, submitted his representation. After considering the inquiry report and representation of the applicant, the disciplinary authority vide impugned order dated 30.12.2014 terminated the services of the applicant. Being aggrieved by the impugned orders, the applicant has filed this OA seeking the reliefs as quoted above.

4. However, it is relevant to note here that the applicant in para 4.29 of the OA stated that vide his letter dated 4.1.2015,

he requested the respondent no.3 that, since he wishes to challenge the order dated 30.12.2014 and as per the HR manual of the respondent's Organisation, the order dated 30.12.2014 is passed by the appellate authority itself instead of disciplinary authority, he may be informed as to who will act as Appellate Authority in his case. Upon receiving no response, the applicant again requested to provide the aforesaid information on 18.2.2015 and sent the letter by speed post (Annexure A-13 Colly).

5. To the aforesaid averment of the applicant, the respondents in their reply have stated that the applicant wrote letters to the respondent Organisation for which no reply was given to him as there is no reply to be given to the applicant as he was on probation and not a regular employee of the respondent, therefore, it is to be stated that the applicant does not have the right to approach the appellate authority since the applicant was working on probation but still he was given ample opportunity to prove his innocence.

6. From the aforesaid relevant facts, it is clear that although the applicant was on probation, the respondents have terminated the services of the applicant after holding a DE proceedings then the applicant has to be given an opportunity to prefer his appeal against the order of termination which opportunity has not been exhausted or

given to the applicant which amounts to violation of principles of natural justice.

7. In view of the above facts and circumstances of the case, this Court is inclined to dispose off this OA with a direction to the applicant to prefer his appeal against the aforesaid order of termination to the respondents within 15 days from the date of receipt of certified copy of this Order and the respondents are also directed to consider the same within a period of 60 days from the date of receipt of appeal from the applicant and pass a reasoned and speaking order, which should be communicated to the applicant. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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