

**Central Administrative Tribunal
Principal Bench**

**OA No.1669/2017
MA No.3424/2017
MA No.2459/2018
MA No.3060/2018
MA No.2460/2018
MA No.2870/2018**

New Delhi, this the 4th day of April, 2019

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

Ravi Kumar (Advocate),
S/o Shri Sewa Ram,
R/o KG-1, 543, Vikas Puri,
New delhi-110018

...Applicant

(By Advocate : Shri A.K. Behera with Shri U. Srivastava
and Shri Sewa Ram)

Versus

1. Ministry of New and Renewable Energy (MNRE),
Represented by: The Secretary,
Block-14, CGO Complex,
Lodhi Road, Delhi-110003.
2. Mr. S.K. Singh (Director General),
National Institute of Solar Energy (NISE),
Faridabad Gurgaon Road,
Gwal Pahari, Gurgaon,
Haryana-122003.
3. Mr. Agrim Kaushal (EA&DDG),
National Institute of Solar Energy (NISE),
Faridabad Gurgaon Road, Gwal Pahari,
Gurgaon, Haryana-122003.
4. Mrs. Rajasree Ray (Economic Advisor),
Department of Economic Affairs (DEA),
Ministry of Finance, North Block.

5. Dr. O.S. Sastry,
Director HR (Former DG NISE),
National Institute of Solar Energy (NISE),
Faridabad Gurgaon Road, Gwal Pahari,
Gurgaon, Haryana-122003.

...Respondents

(By Advocate : Shri N.K. Aggarwal)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant joined the service of National Institute of Solar Energy as Consultant (Administration) on being appointed on contractual basis, for a period of one year, through order dated 08.08.2016. An order dated 04.10.2016 was passed terminating the contract. The same is challenged in this OA.

2. The applicant contends that he noticed certain activities, which were not in accordance with law and when the same were pointed out, the Director General has chosen to issue the order of termination, without issuing any notice and without conducting inquiry. He further submits that the contract itself provided for issuance of 15 days notice and even that was not complied with. Malafides are also attributed to various officials.

3. The respondents filed counter affidavit opposing the OA. It is stated that the applicant has resorted to several acts, which are detrimental to the interests of the organisation and accordingly, the impugned order was issued. It was stated that the salary, in lieu of the notice period was paid to the applicant.

4. We heard Shri A.K. Behera, learned counsel for applicant and Shri N.K. Aggarwal, learned counsel for respondents, at length.

5. The case has undergone several stages. This is an unfortunate case where the career of an employee came to an end hardly by the time he settled in the seat. His appointment was on 08.08.2016 and the termination was on 04.10.2016. The contract itself was for a period of one year, but was extendable for a further period, depending upon the satisfaction of the appointing authority.

6. A perusal of the order discloses that several allegations against the applicant were taken into account and reference is also made to the recommendations of a Committee, said to have been constituted to go into the complaints made against the applicant.

7. Assuming that the impugned order is violative of the principles of natural justice or is contrary to various terms of the contract, one alternative is to set aside the same, leaving it open to the respondents to take further steps, in accordance with law. However, certain factors weigh with us, not to consider that option. Firstly, the contract itself was for a period of one year and it expired long back. Secondly, in the event of the order being set aside, the applicant would be made vulnerable to the several proceedings which, in our opinion, will not be in his interest. Instead the order can be treated as the one without attaching any stigma to the applicant or reflecting on his moral conduct. There is no serious opposition from the respondents, for this course of action. Another fact is that the applicant has since been enrolled as an advocate and at this stage, it would not be possible for him to resume the employment, even if otherwise feasible.

8. We, therefore, dispose of the OA, directing that the order dated 04.10.2016 shall not be treated as reflection on the conduct or behaviour of the applicant, except that it puts an end to the contract of the employment,

simplicitor. The impugned order shall not come in the way of any future employment of the applicant.

Pending MAs, if any, also stand disposed of.

There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

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