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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11231/2015

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Judgment dated 22nd December, 2015

RAVINDER KUMAR

..... Petitioner

Through : Dr.Ashwani Bhardwaj and Mr.Romit
Pathak, Advs.

versus

UNION OF INDIA

..... Respondent

Through : Mr.Akshay Makhija, CGSC,
Ms.Sanjugeeta Moktan and Ms.Mahima
Bahl, Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Challenge in this writ petition is to the order dated 20.7.2015 passed by Central Administrative Tribunal (hereinafter referred to as the '*Tribunal*'), whereby the Tribunal has dismissed O.A.No.2578/2015 filed by the petitioner. By O.A.No.2578/2015 the petitioner has assailed the Order No.A.22017/1/2009-PME, dated 17.6.2014, issued from the office of the Prime Minister, whereby the petitioner was relieved from his duties w.e.f. 9.6.2014.
2. In this case, as per the petitioner, vide letter of appointment/Order dated 20.9.2004 issued by the respondent, the petitioner was appointed as a Peon on co-terminus basis in the scale of pay of Rs.2550-55-2660-6-0-3200. In the letter of appointment/Order dated 20.9.2004 it was clearly

mentioned that the appointment of the petitioner is co-terminus with the tenure of and at the discretion of the Prime Minister. It was also informed to the petitioner that he would work as per the pay scale of the Government and he would retire on 31.7.2032. Further, as per the petition, the petitioner was again re-appointed as a Peon in the Pay Band-1 with Grade Pay of Rs.1800, vide letter of appointment/Order dated 9.6.2009 issued by the respondent. In the said Order dated 9.6.2009 it was clearly mentioned that the appointment of the petitioner on the personal staff of Prime Minister is co-terminus with the tenure of and at the discretion of the Prime Minister.

3. Learned counsel for the petitioner submits that grievance of the petitioner is that despite an assurance having been granted to him that he would be allowed to work upto 31.7.2032, his services stand terminated. Counsel further submits that the petitioner has worked for ten years and, thus, he should be granted regular employment.
4. We have heard learned counsel for the parties and considered their rival submissions. We have also examined the letters of appointment/Orders issued by the respondent on 20.9.2004 and 9.6.2009. Relevant portions of the letters of appointment/Orders dated 20.9.2004 and 9.6.2009 read as under:

“PRIME MINISTER’S OFFICE

No.A-22017/3/2004-PMA

20th September 2004

ORDER

Shri Ravinder Kumar a private person is appointed as Peon on the personal staff of Prime Minister in the scale of Pay of Rs.2550-55-2660-6-3200 with effect from the forenoon of 17 September, 2014.

The appointment of Shri Ravinder Kumar is co-terminus with the tenure of and at the discretion of the Prime Minister.”

“GOVERNMENT OF INDIA

PRIME MINISTER’S OFFICE

*South Block
New Delhi – 110101*

No.A-22017/1/2009-PMA (Estt.)(ii)

9 June 2009

ORDER

The following private persons are appointed on the personal staff of Prime Minister in the post and Grade Pay mentioned against their names in Pay Band – 1, with effect from the afternoon of 22nd May 2009, until further orders:

S.NO.	Name (S/Shri)	Designation	Grade Pay (Rs.)
<i>1.</i>	<i>Smt.Ritu Kheralia</i>	<i>UDC</i>	<i>2400</i>
<i>2.</i>	<i>Abbas ASif Jah</i>	<i>UDC</i>	<i>2400</i>
<i>3.</i>	<i>Smt.Geeta Rathi</i>	<i>UDC</i>	<i>1900</i>
<i>4.</i>	<i>Rahul Yadav</i>	<i>UDC</i>	<i>1900</i>
<i>5.</i>	<i>Mohit Vaid</i>	<i>UDC</i>	<i>1900</i>
<i>6.</i>	<i>Shankar Prajapati</i>	<i>Cook</i>	<i>1900</i>
<i>7.</i>	<i>Mahesh Kumar Yadav</i>	<i>Peon</i>	<i>1800</i>
<i>8.</i>	<i>Pradeep Kr. Sharma</i>	<i>Peon</i>	<i>1800</i>
9.	Ravinder Kumar	Peon	1800
<i>10.</i>	<i>Anil</i>	<i>Peon</i>	<i>1800</i>
<i>11.</i>	<i>Ajay Kumar</i>	<i>Peon</i>	<i>1800</i>
<i>12.</i>	<i>Arun Verma</i>	<i>Peon</i>	<i>1800</i>
<i>13.</i>	<i>Mahesh Chand</i>	<i>Peon</i>	<i>1800</i>

14.	Surinder Mehto	Peon	1800
15.	Sachin Kumar	Peon	1800
16.	S.K. Chauhan	Peon	1800
17.	Hari Singh	Peon	1800
18.	Shiv Shankar	Peon	1800
19.	Shrimati Devi	Peon	1800
20.	Smt.Urmila	Attendant	1800
21.	Lalit Kumar	Helper	1800

2. *The appointment of the above persons on the personal staff of Prime Minister is co-terminus with the tenure of and at the discretion of the Prime Minister.*

3. *In terms of DoPT OM No.2/8/97-Estt. (Pay.II) dated 11.3.1998 read with DoPT No.8/8/99-CS.I dated 18.7.2000, the above officials will continue to draw their pay in the pay band PB-1 as they were drawing as on 22 May 2009 (AN), with effect from the forenoon of 23 May 2009.”*

The appointment of Shri Ravinder Kumar is co-terminus with the tenure of and at the discretion of the Prime Minister.”

5. Upon perusal of the aforestated orders, it is not in dispute that the services of the petitioner were on co-terminus basis with the tenure of and at the discretion of the former Prime Minister and upon the Prime Minister demitting office the services of the petitioner has come to an end.
6. We may note that by the Order dated 9.6.2009, the term of the petitioner was extended, however, as per Clause 2 of the letter, which is reproduced above, his tenure was on co-terminus basis with the tenure of and at the discretion of the Prime Minister.
7. Since the former Prime Minister has demitted the office and he has not exercised any discretion in favour of the petitioner thereby extending the

services of the petitioner, we find no infirmity in the order passed by the learned Tribunal. As far as the submission made by the petitioner is concerned that the date of retirement of the petitioner was mentioned as 31.7.2032 in the Employee details, the learned Tribunal has rightly observed that the said date of retirement is based on the date of birth of the petitioner and it does not mean that the petitioner was allowed to serve till 31.7.2032. Further, the petitioner cannot claim regular employment on the ground that he has worked for ten years, as the appointment of the petitioner was on co-terminus basis, which is evident from the aforesaid letters of appointment/orders.

8. Resultantly, the writ petition stands dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

DECEMBER 22, 2015

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