

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.18123 of 2003

Date: 03.08.2017

Between:

Karapati Eswara Rao

... Petitioner

and

The Additional Dy. Inspector General of Police,
Group Centre, CRPF, Jawahar Nagar, Hakimpet Post,
RR District, Secunderbaad and 2 others

...Respondents

Counsel for the Petitioner: Mr.M.Kesava Rao

**Counsel for the respondents: Sri B.Narayana Reddy,
Asst.Solicitor General**

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner, who was selected and appointed as a water carrier in Central Civil Services (Temporary Service) Rules, 1965, suffered an order of termination of his services on 18-03-2002. This order was unsuccessfully challenged by him before the Central Administrative Tribunal, Hyderabad. The Tribunal held that the appellant having been appointed as water carrier, is a member of CRPF; that therefore, he cannot be considered as a civilian; that he is governed by the provisions of the CRPF Act, 1949; and that consequently, the Tribunal has no jurisdiction to entertain the OA. The Tribunal, however, rendered a finding on the merits of the case also. It has held that since the petitioner has not disputed the fact that he has withheld the information required in Column 12 (a) (b) of the verification roll about his conviction for causing voluntary hurt, there was no need for holding an enquiry in respect of such undisputed fact. The Tribunal further held that the impugned order, dated 18-03-2002, was not stigmatic in nature and that as the respondents have invoked sub-rule (1) of Rule 5 of the CCS (Temporary Services) Rules, 1965, and passed an order of termination simplicitor without casting any stigma, there is no need for holding an enquiry.

Apart from the fact that we do not find any reason to differ with the views expressed by the Tribunal atleast on merits of the case, if not on jurisdiction, and also the further fact that the petitioner was appointed to a temporary service, which could be terminated by one month's notice, and that he is out of service for the last 15 years, we have no reason to interfere with the impugned order.

The Writ Petition is, accordingly, dismissed.

(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 2nd August, 2017
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