

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.20952 of 2018.

Date of Decision: August 21, 2018

Gurmail Singh

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.P.M.Kansal, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner assails the order dated 17.07.2017 whereby the Central Administrative Tribunal, Chandigarh Bench has declined to interfere with the order of termination of his services.

The facts are like this. The petitioner was engaged as a Chowkidar on daily wages in the year 2002. He was given temporary status after which regular pay-scale was admissible. No sooner such a status was given to the petitioner, he started absenting from duty and the total period of absence from duty is admittedly two years or so. The petitioner procured some medical certificates that he was mentally ill during the absence period.

Be that as it may, the Competent Authority served the petitioner with a show cause notice; gave him personal hearing and decided to dispense with his services. Since the petitioner was not appointed on regular basis, the Competent Authority did not deem it appropriate and rightly so to hold a regular inquiry under the provisions of Central Civil Services (CCA) Rules, 1965. The Tribunal has declined to interfere with the order on finding that the documents produced by the petitioner from time to time

depicted serious inconsistency with regard to the nature of alleged ailment, which was suggestive of the fact that the petitioner willfully absented from duty and thus medical certificates issued by private doctors were not worthy of reliance. It is not disputed that since the petitioner was not a regular employee, the provisions of Central Civil Services (CCA) Rules, 1965 were not attracted. The foundation of the order need not be necessarily taken as the alleged “misconduct” of the petitioner, for the services of temporary hand can always be dispensed with for unsatisfactory service.

No case to interfere with the order passed by the Tribunal is made out.

Dismissed.

[SURYA KANT]
JUDGE

August 21, 2018

mohinder

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No