

\$~S-1.

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

+ W.P. (C) No. 7182/2019

VISHAL AHMAD

..... Petitioner

Through: Mr. Yogesh Kr. Mahur with Mr.
Harkesh, Advs. for Review Applicant.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Anil Thakur, AC, CRPF

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

06.09.2019

%

REVIEW PETITION NO. 357/2019 & C.M. No. 39433/2019

The petitioner seeks review of our order dated 08.07.2019. There is a delay of five days in filing the review application. Even if we ignore the delay, we do not find any merit in the review application.

The petitioner's services were terminated by the impugned order dated 31.01.2019 on account of the fact that despite repeated opportunities he could not complete training successfully.

The submission of learned counsel for the applicant is that the Chapter on Organisation of Training, which has been placed on record along with the review application and which did not form part of the writ petition as originally filed provides for "discharge", and not termination in the eventuality of the appointee failing in the final test of the course.

We do not find merit in this submission of the applicant. The appointment of the petitioner was under the CCS (Temporary) Service Rules which provides for termination. The use of the expression “discharge” in clause (vi) does not appear to be in a legalistic manner. Therefore, the expression “discharge” used in clause (vi) which reads – *The course is meant for the directly appointed ASIs (Tech). Failure during final test of the course will be retained at the CTC(T) upto a further period of 3 months for training and all facilities provided. Candidates should be retested by a prescribed board of officers, those fail again for the second time will be discharged and case is to be submitted to the Directorate Communication by the Principal, CTC(T) after satisfying himself that the candidates is not likely to make up the grade,* has to be understood in the context of the nature of the appointment.

Since the petitioner’s appointment was under the CCS (Temporary) Service Rules, he could only be terminated. Rule 5 of the CCS (Temporary Service) Rules, in so far as it is relevant reads:

“5. Termination of temporary service.

(1) (a) The services of a temporary Government servant shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant;

(b) the period of such notice shall be one month.

Provided that the services of any such Government servant may be terminated forthwith and on such termination, the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services, or as the case may be, for the period by which such notice falls short of one month.

The further submission is that the termination of the petitioner is hampering the petitioner's employment in other organisations. It is generally understood that termination is not a bar to re-employment, or further employment. In the present case the termination is not by way of punishment and, therefore, non-stigmatic. Therefore, we cannot appreciate, how the termination of the petitioner could be claimed to be causing a hurdle in his seeking employment elsewhere.

We, therefore, find no merit in this review application.

Dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

SEPTEMBER 06, 2019

N. Khanna