

14.01.2021

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ns Ct.04

F.M.A. 433 of 2017
With
I.A. No.CAN 2 of 2016 (Old CAN 10168 of 2016)

Union of India & Ors.
Vs.
Sri Vijay Rajput.

Mr. Tarun Jyoti Tewari For appellants.

Mr. Prosenjit Mukherjee,
Mr. Arghya Kamal Das For respondent.

Mr. Tewari, learned advocate appears on behalf of appellants. He submits, impugned order dated 17th June, 2016, whereby the writ petition was allowed, should be set aside as petitioner was duly terminated by applying rule 6 of Central Civil Services (Temporary Services) Rules, 1965. Mr. Mukherjee, learned advocate appears on behalf of respondent / writ petitioner and submits, said rules apply to those, who hold civil post and paid from the Defence Services Estimates under Government of India. The rules have no manner of application to his client, appointed as a member of the force. Impugned order correctly refers to rules applicable being Central Reserve Police Force Rules, 1955. The applicable rule is rule 16(a).

Rule 16(a) is reproduced below:-

“(a) All members of the Force shall be enrolled for a period of three years.

During this period of engagement, they shall be liable to discharge at any time on one month's notice by the appointing authority. At the end of this period those not given substantive status shall be considered for quasi-permanency under the provision of the Central Civil Services (Temporary Service) Rules, 1965. Those not declared quasi-permanent under the said rules shall be continued as temporary Government employees unless they claim discharge as per Schedule to the Act. Those who are temporary shall be liable to discharge on one month's notice and those who are quasi-permanent shall be liable to discharge on three months' notice in accordance with the said rules, as amended from time to time."

On query from Court, Mr. Mukherjee submits, his client did not get declaration of his service being quasi-permanent. In the circumstances, respondent continued to be as temporary Government employee, not having claimed discharge as per Schedule to Central Reserve Police Force Act, 1949. On further query from Court, it is ascertained that respondent could not join because of pendency of this appeal. Following from interim order is reproduced below:-

"It will be open to CRPF to require the petitioner to undergo the induction training afresh and if the petitioner is found unfit in course of the training, this order will not prevent CRPF from taking appropriate

steps against the petitioner under the said Act of 1949 and the Rules of 1955 framed thereunder.”

We see no reason to interfere with impugned order. Impugned order is confirmed. The appeal and application are dismissed. Mr. Tewari prays for stay of operation of this order. The prayer is considered and rejected.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)