
(1994) 02 AHC CK 0060
In the Allahabad High Court
Case No : Writ Petition No. 2664 of 1979

State of U.P.and Others

APPELLANT

Vs

Sangam Lal Jaiswal and Another

RESPONDENT

Date of Decision : 03-02-1994

Acts Referred:

Citation : (1994) 02 AHC CK 0060

Hon'ble Judges : Brijesh Kumar, J

Final Decision : Dismissed

Judgement

Brijesh Kumar, J.—This is a State's writ petition impugning the order of the Public Services Tribunal allowing the claim petition filed by opposite party No. 1 Sangam Lal Jaiswal and setting aside the order of termination of his services.

2. Heard petitioner's counsel and perused the judgment of the Public Services Tribunal.

3. The opposite party No. 1, it appears, was appointed in the Consolidation Department as Tracer sometime in 1961. His services were ultimately terminated in July, 1969. The civil suit filed challenging the termination order was transferred to the Public Services Tribunal. The Public Services Tribunal allowed the claim petition declaring the order of termination as illegal and declaring that the petitioner continued in service and was entitled to all benefits of pay etc. according to rules.

4. Aggrieved by the order of Public Services (Tribunal the State preferred this petition. The main contention raised on behalf of the State is that once the Tribunal has come to the conclusion that the services of the petitioner were of the purely temporary, it erred in holding that the same could not be terminated. The case of the State is that being a temporary Government servant his services were liable to be terminated according to terms of the appointment. I have gone through the judgment of the Public Services Tribunal and in my view the Tribunal has rightly pointed out that even though the services of the Tribunal were

terminated by a simplicitor order of termination even there should have been same reason on the record or it should have been shown that the services of the petitioner were not required on the ground of his unsuitability or unsatisfactory work etc. I have gone through the affidavit filed by the State before the Public Services Tribunal. There is not even a whisper about the unsuitability of the petitioner to be continued in service. There is no denial of the fact that persons junior to the petitioner were allowed to continue in service, therefore, the other plea taken that the department itself was temporary has no force. If the services of the petitioner have to be dispensed with for the reason that the department itself was temporary, it is not understandable on what ground other employees appointed later could be retained. That reason would be applicable to all at least to those who are similarly situated.

5. Having heard learned State Counsel and having gone through the order of the Public Services Tribunal, in my opinion, no good ground is made out to interfere with the order of the Public Services Tribunal.

6. The writ petition has no force. It is, accordingly, dismissed.