

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9843 of 2014
[@ Special Leave to Appeal (C) No(s). 9284 of 2013]

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

DHARAMBIR SINGH DABAS

Respondent(s)

O R D E R

Leave granted.

This appeal has been preferred against the impugned judgment and order dated 19.11.2012 passed by the High Court of Delhi at New Delhi in W.P. (C) No. 5973 of 1999. By the impugned judgment and order, the High Court allowed the writ petition preferred by the respondent - writ petitioner and set aside the order of termination dated 05.04.1999.

The respondent was on probation. During his probation period, his services were terminated. The order of termination issued by the competent authority reads as follows:

"In pursuance of the proviso to sub-Rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rule, 1965, the President hereby terminates forthwith the services of shri D.S. Dabas, Assistant Commandant, Central Industrial Security Forces and directs that he shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of notice at the same rates at which he was drawing them immediately before the termination of his service, or, as the case may be, for the period by which such notice falls short of one month."

Under proviso to sub-Rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, it is always open to the competent authority to terminate the service, if service is found to be unsatisfactory during the period of probation. The order of termination being simplicitor issued under the proviso of sub-Rule (1) of Rule 5, it was not open for the High Court to decide the case on the basis of notes given by one or other authority.

For the reason above, we set aside the order dated 19.11.2012 and allow the appeal.

.....J.
[SUDHANSU JYOTI MUKHOPADHAY]

.....J.
[S.A. BOBDE]

NEW DELHI
OCTOBER 14, 2014

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 9284/2013

(Arising out of impugned final judgment and order dated 19/11/2012
in WPC No. 5973/1999 passed by the High Court Of Delhi At N. Delhi)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

DHARAMBIR SINGH DABAS

Respondent(s)

(with interim relief and office report)

(For final disposal)

Date : 14/10/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Tushar Mehta, ASG
Ms. Indra Sawhney, Adv.
Ms. V. Mohana, Adv.
Ms. Sushma Suri, Adv.

Mr. B. Krishna Prasad, Adv.

For Respondent(s) Mr. Rishi Kesh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(MEENAKSHI KOHLI)
COURT MASTER(USHA SHARMA)
COURT MASTER

[Signed Order is placed on the file]