

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3778/2017

(@Petition(s) for Special Leave to Appeal (C) No(s). 25795/2013)

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

PRAMOD KUMAR NAYAK

Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel appearing for the appellants and the learned counsel appearing for the sole respondent.

By the impugned Judgment, the High Court held that the appellants have no right to terminate the services of the respondent - herein, being contrary to sub-Rule (1) (a) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 and the notice of termination of service issued by the appellants - herein was quashed.

It appears from the facts itself that there was suppression of material facts by the respondent - herein in terms of Rule 14 of the C.R.P.F. Rules, 1955 in the matter in question and since the respondent was appointed on temporary basis, the notice of termination of service which was issued to him by the appellants - herein, in our opinion, cannot be said to be in violation of any law.

Learned counsel appearing for the appellant has also relied upon the Judgment of this Court in "Avtar Singh vs. Union of India and Others" (2016) 8 SCC 471 wherein it was, *inter alia*, held that in a case of deliberate suppression of fact with respect to

multiple pending cases, such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.

After perusing the material available on record, we are of the considered view that the impugned Judgment of the High Court cannot be sustainable in the eyes of law and deserves to be set aside.

Accordingly, we set aside the impugned Judgment passed by the High Court and the termination of service is affirmed.

The appeal is allowed in the afore-stated terms.

.....J
(PINAKE CHANDRA GHOSE)

.....J
(ROHINTON FALI NARIMAN)

NEW DELHI;
6TH MARCH, 2017.

ITEM NO.37

COURT NO.6

SECTION XIA

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). 25795/2013

(Arising out of impugned final judgment and order dated 30/01/2013
in WPC No. 8012/2011 passed by the High Court of Orissa at Cuttack)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

PRAMOD KUMAR NAYAK

Respondent(s)

(With interim relief and office report)

Date: 06/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Ms. Binu Tamta, Adv.
Mr. T.N. Razdan, Adv.
Mr. B. Krishna Prasad, AOR

For Respondent(s)

Mr. Shakti K. Pattanaik, Adv.
Mr. Neeraj Kumar, AOR

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.

(VISHAL ANAND)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed Order is placed on the file)

