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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA No. 610 of 1994 with
OAs Nos. 611, 612, 613, 614 and 615 of 1994.

New Delhi, this the 11th day of January, 1995.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman

Hon'ble Mr B.N.Dhondiyal, Member(A)

OA No. 610 of 1994

Son Pal, Loco Cleaner, Northern Railway,
Loco Shed, Moradabad. Applicant.

OA No. 611 of 1994

Vishwanath Singh, Loco Cleaner
Northern Railway, Loco Shed,
Moradabad. Applicant.

OA No. 612 of 1994

Lalit Mohan, Loco Cleaner, Northern Railway,
Loco Shed, Moradabad. ... Applicant.

OA No. 613 of 1994

Radhey Bham, Loco Cleaner, Northern Railway, Loco
Shed, Moradabad. Applicant.

OA No. 614 of 1994

Gurban Ali, Loco Cleaner
Northern Railway, Loco Shed,
Moradabad. ... Applicant

OA No. 615 of 1994

Kishori Singh, Loco Cleaner,
Northern Railway, Loco Shed,
Moradabad. ... Applicant.

(Applicants through Mr G.D.Bhandari, Advocate).

vs.

1. Union of India, through
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Division Railway Manager,
Northern Railway,
Moradabad.

.... Respondents.

(Respondents through Mr K.K.Patel, in all the OAs).

Order(Oral)

Justice S.K.Dhaon, Vice Chairman.

The controversy raised in these OAs is

similar. They have been heard together and, therefore, they are being disposed of by a common judgment with the consent of the learned counsel for the parties.

2. The applicants were initially recruited as Substitute Loco Cleaners. At the time of their appointment, they had given out certain statements about themselves and on the basis of those statements they were recruited. Each one of them is performing the job of Loco Cleaner. It appears that the respondents commenced an ex-parte scrutiny of the material and the information given by the applicants at the time of their initial recruitment. They completed the scrutiny of the records of some other Loco Cleaners but not of the applicants. A provisional panel dated 9.3.1994 was issued, including the name of those Loco Cleaners, whose records had been scrutinised and who had been given the certificate that there was no defect in their initial appointment.

In other words, the process of investigation is being conducted piece-meal. Having not found their names in the provisional panel dated 9.3.1994, the applicants apprehended that their services had been terminated. They, therefore, approached this Tribunal by means of these OAs and prayed therein that the order terminating their services may be quashed.

3. A counter-affidavit has been filed on behalf of the respondents. Therein, the material averments are these. The services of the applicants have not been terminated and they continue to be in service. The scrutiny of the

records of the applicants is still going on and no order detrimental to their interest has been passed so far. Shri Patel, learned counsel for the respondents states that in case the result of the scrutiny ^{is} unfavourable to all or any one of the applicants, they shall be subjected to a regular disciplinary proceedings in accordance with law and neither their services would be terminated straightway nor any other penalty, major or minor, would be awarded to them without holding a proper enquiry and without giving a proper opportunity of hearing.

4. There appears to be force in the plea raised by the respondents in their counter-affidavit that these QAs are pre-mature. We dispose of these QAs with the directions that the undertaking given by Shri K.K. Patel, learned counsel for the respondents, shall be strictly adhered to before taking any action against the applicants.

5. With these observations, the QAs are disposed of but without any order as to costs.

(B.N.Dhondiyal)
Member (A)

(S.K.Dhaon)
Vice Chairman.

/sds/

(S. N. GHARH)

Private Secretary

Central Administrative Tribunal

Principal Bench, Faridkot House