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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.1589/89

Date of decision: 27.4.92

Raj Kumar

.. Applicant.

Versus

Union of India
& others.

.. Respondents.

Sh.B.S.Mainee

.. Counsel for the applicant

None for the respondents.

J U D G E M E N T (oral)

(Delivered by Hon'ble Sh. Justice Ram Pal Singh, V.C.(J)).

The applicant is aggrieved by order dated 21.3.88 passed by the respondents, by which the applicant was dismissed from service under the provisions of Rule 14(2) of the Railway Servants (Discipline & Appeal) Rules of 1968. Admittedly the applicant is an employee of the Railway with temporary status. He is alleged to have committed misconduct for which he was dismissed from service, by this impugned order. No departmental enquiry was held and no notice was issued to the applicant before passing this impugned order. It is clearly in contravention of the principles of natural justice. Furthermore an order of dismissal from service cannot be passed without going through the provisions contained in rule 14(2) of the rules. The impugned order does not contain any statement of the fact that as to how to hold an enquiry is not possible. There is also no finding as to how and in what manner the atmosphere is not congenial for holding an enquiry. Clearly this order is violative of the principles of natural justice. We, therefore, quash it and set aside the order of dismissal

Ram Pal Singh

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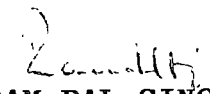
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of the applicant from service as well as the order passed by the appellate authority. The applicant shall be reinstated in service within a period of one month from the date of receipt of a copy of this order and he shall be paid all his dues. Parties shall bear their own costs.


(K.J. RAMAN)

MEMBER(A)


(RAM PAL SINGH)
VICE CHAIRMAN(J)