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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

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Regn.No.OA 1508/88

Date of decision: 6.4.1990.

Shri Ghastu Ram

.....Applicant

Vs.

Union of India through the  
Secretary, Ministry of  
Railways & Others

.....Respondents

For the Applicant

....Shri Sanjeev Madan, Counsel

For the Respondents

....Shri P.S. Mahendru, Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?

(The judgment of the Bench delivered by Hon'ble  
Shri D.K. Chakravorty, Administrative Member)

The applicant, who has worked as a Casual Labourer in the office of respondent No.3(Deputy Controller of Stores, Northern Railway, Jagadhari Work-shop, District Ambala, Haryana) filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the impugned order dated 27.7.1988 whereby he was discharged from service with effect from 28.7.88 and for reinstating him with full backwages and continuity of service.

2. The impugned order dated 27.7.88 passed by the Deputy Controller of Stores, refers to a letter dated 18.7.88 received by his office, conveying that during investigation and verification of casual labour records, the casual labour

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card of the applicant had been found bogus. It was on this ground that he was discharged from service(vide Annexure-I, page 10 of the Paper-Book).

3. The case of the applicant is that, he was engaged as a Casual Porter with the respondents and he worked from 1.5.1978 to 31.8.1978 at PWI, Subzi Mandi and from 7.6.1981 to 30.8.1981 and from 1.1.1987 till 27.7.1988 after he had been on medical leave, as advised by the Railway Hospital.

4. According to him, he is entitled to get his name registered in the live casual labour register and to be regularised. No show cause notice was issued to him before his services were terminated by the impugned order dated 27.7.1988. He has alleged that this amounts to violation of the principles of natural justice.

5. The case of the respondents is that the applicant was engaged as a Casual Labourer with effect from 4th February, 1987 on the basis of the casual labour card submitted by him. The said card showed that he worked as a Casual Labourer with PWI, Subzi Mandi, Delhi, in the year 1978. However, on investigation by SWLI, Shakur Basti, Delhi, it was revealed that the said card was bogus and in fact he never worked under the PWI, Subzi Mandi. The respondents have produced a photostat copy of the report of SWLI, Shakur Basti, Delhi in this context (Annexure-R-I to the counter-affidavit, page 18 of the Paper-Book).

The respondents have also submitted that respondent No.3 received a letter dated 18.7.88 from the Deputy Controller

*S. Gupta*

of Stores, Shakur Basti, Delhi, notifying therein that the casual labour card as submitted by him was found bogus on investigation and on receipt of the said information, he was discharged from service (Annexure R-2, pages 19-20 of the Paper-Book).

6. The respondents have contended that since the applicant got himself engaged as a Casual Labourer by misrepresentation and by submitting a forged document, he has been rightly and correctly discharged from service. They have also contended that he is not entitled to be registered on the live casual labour register.

7. We have gone through the records of the case and have heard the learned counsel of both parties. The discharge of the applicant from service is not a discharge simpliciter. It is founded on the alleged misconduct of producing a fictitious labour card. The applicant had worked for more than 120 days continuously and had acquired temporary status. Consequently, he is entitled to all the benefits and privileges conferred on employees having acquired temporary status as set out in Rule 2511 of the Indian Railway Establishment Manual, including the application of the Railway Servants (Discipline & Appeal) Rules, 1968. No show cause notice was issued to him before his services were terminated.

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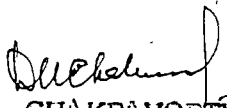
No disciplinary inquiry was conducted against him for

the alleged misconduct in terms of the Railway Servants (Discipline & Appeal) Rules, 1968.

8. In the circumstances, the termination of service on the basis of the investigations conducted by the respondents behind the back of the applicant is not legally sustainable. Following the Tribunal's judgment dated 06.04.90 (Ratti Ram & Others Vs. Union of India & Others) in a batch of similar cases (OA 305/89 - Ratti Ram & Others Vs. Union of India & Others through the General Manager, Northern Railway), we set aside and quash the impugned order dated 27.7.1988 whereby the applicant was discharged from service with effect from 28.7.1988. The respondents shall reinstate him in service within a period of three months from the date of communication of a copy of this order.

9. In the facts and circumstances, we do not direct payment of backwages to the applicant. After reinstating him as a Casual Porter, the respondents will be at liberty to hold any inquiry against him for any act of misconduct in accordance with the provisions of the Railway Servants (Discipline & Appeal) Rules, 1968, if so advised.

There will be no order as to costs.

  
(D.K. CHAKRAVORTY)  
MEMBER (A)

6th April, 1990

  
(P.K. KARTHA)  
VICE CHAIRMAN (J)