

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1142/88

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~~EXCISE~~DATE OF DECISION 01.06.1990Shri Jaswant Singh Lala Ram~~Petitioner~~ ApplicantNoneAdvocate for the ~~Petitioner(s)~~ Applicant

Versus

Union of India through the

Respondent

Secretary, Min. of Railways & OthersShri M.L. Verma

Advocate for the Respondent(s)

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 Judgement? *y*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *M*
4. Whether it needs to be circulated to other Benches of the Tribunal? *M*

(The judgment of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice Chairman(J))

The applicant is a graduate from Agra University. He has worked as a Casual Labourer from 6.5.1986 to 6.1.1988 in the office of the respondents when his services were terminated. The relief sought by him is that the impugned order of termination dated 6.1.1988 be set aside and quashed.

2. The applicant had filed OA 186/88 in this Tribunal earlier seeking redressal of the same grievance. By judgment dated 10.2.88, this Tribunal directed the applicant to prefer an appeal to the respondents and the respondents were directed to consider the same and dispose it of on the merits. If the appellate order went against him, he was given liberty to move a fresh application in the Tribunal. The appeal filed by him on 18.2.1988, was not disposed

and
of by the respondents/that is how the present
application came to be filed.

3. The case of the respondents is that the applicant had obtained appointment as Casual Labour on production of a bogus labour card. An inquiry was held in this regard by issuing a show cause notice to him on 3.11.1988 wherein it was stated that the casual labour card produced by him was forged and false and that he had not worked in the Railways during the period from 19.9.1980 to 18.9.1980 and 21.10.1980 to 23.12.1980, as has been stated in the casual labour card produced by him. The applicant did not send any reply to the show cause notice. Instead, he sent to the respondents a copy of the judgment of the Jabalpur Bench of this Tribunal dated 14.9.1987 in OA 189/86 and connected matters - Hardayal & Others Vs. Union of India & Others. The case before the Jabalpur Bench was also a similar one where the services of the applicants had been terminated on the ground that they had produced forged casual labour card to secure employment. The Jabalpur Bench of the Tribunal held that the termination of the services of the applicants was not legally sustainable as no inquiry was held against them in accordance with the provisions of the Railway Servants (Discipline & Appeal) Rules, 1968. The Tribunal, therefore, directed the respondents to reinstate the applicants. The respondents were also given liberty to initiate appropriate action against the applicants under the Railway Servants (Discipline & Appeal) Rules, 1968

for any alleged misconduct.

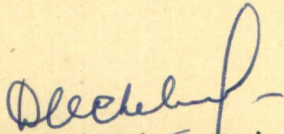
4. We have carefully gone through the records of the case and have heard the learned counsel of the respondents. The case appeared in the list of ready cases for final hearing. When the case was taken up for hearing on 21.3.1990, none appeared for the applicant and Shri M.L. Verma, Counsel appeared for the respondents. The case was kept on the board as 'Part Heard'. None appeared on 22nd and 23rd March, 1990 and orders were reserved.

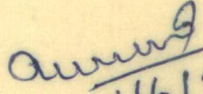
5. Admittedly, the applicant had acquired temporary status in accordance with the provisions of the Indian Railway Establishment Manual. He having worked as casual labourer from 6.5.1986 to 6.1.1988, the termination of his services without holding an inquiry against him for the alleged misconduct of securing employment by fraudulent means, is not legally sustainable. We, therefore, set aside and quash the impugned order dated 6.1.1988. The respondents shall reinstate the applicant in service as casual labourer within a period of 3 months from the date of communication of this order. In the facts and circumstances of the case, we do not direct payment of any back wages to him. After reinstating him, the respondents will be at liberty to take appropriate action against the applicant for any alleged misconduct on his part in accordance with the provisions of the Railway

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Servants (Discipline & Appeal) Rules, 1968.

The parties will bear their own costs.


(D.K. CHAKRAVORTY)
MEMBER (A) 1/6/90


1/6/90
(P.K. KARTHA)
VICE CHAIRMAN (J)