

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 959/86

DECIDED ON : 29.7.1993

Gulab Singh

... Applicant

Vs.

Union of India & Ors.

... Respondents

COURT :

THE HON'BLE MR. JUSTICE S. K. DHAON, V.C. (J)  
THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

Shri Malik B. D. Thareja, Counsel for Applicant

Shri N. K. Aggarwal, Counsel for Respondents

JUDGMENT (ORAL)

Hon'ble Mr. Justice S. K. Dhaon, V.C. —

On 8.10.1986, a notice was issued to the petitioner informing him that his services would stand terminated w.e.f. 10.11.1986. Immediately after the issue of this notice, the petitioner sought protection of this Tribunal on 7.11.1986 by means of this O.A. The Tribunal passed an interim order directing the respondents not to interfere with the services of the petitioner. That order continues till date.

2. A counter affidavit has been filed on behalf of the respondents. Counsel for the parties heard. In para 6 of the O.A. the material averments are these. The petitioner was appointed as a casual labour on 7.6.1980 by the Permanent Way Inspector, Construction, Bhatinda at Hapur. He continued to work as a casual labour and he completed 120 days of continuous working. He, therefore, acquired temporary status. In the reply filed by the respondents, these facts are not denied.

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3. Learned counsel for the respondents has very fairly stated at the Bar that no opportunity whatsoever was afforded to the petitioner before the notice dated 8.10.1986 was issued. We have already recorded a finding that the petitioner had acquired temporary status before 8.10.1986. In that situation, he had the protection of the relevant statutory rules which provides that some sort of inquiry should be held before an order of removal from service is passed. Even the minimum requirement of principles of natural justice has not been observed in this case. The petitioner was at least entitled to some sort of hearing before the authority came to the conclusion that he had, in fact, submitted a false certificate that he had worked from 1.11.1976 to 13.7.1977. The notice is not sustainable. It is, accordingly, quashed.

4. The contention of the learned counsel for the petitioner is that after acquiring temporary status, the petitioner should have been paid the same wages which were being paid to the regularly employed labourers. It appears to us that the petitioner is not being paid the same emoluments as are being paid to the regularly employed labourers. We, therefore, direct the respondents to compute the difference between the wages which the petitioner has been receiving and which he ought to have received in accordance with the relevant rules. The respondents shall do so within a period of three months from the date of receipt of a certified copy of this order.

5. With these observations, this application is finally disposed of. No orders as to costs.

( B. N. Dholiyal )  
Member (A)

( S. K. Dhaon )  
Vice Chairman (J)