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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.NO.OA 1947/90

Date of decision: 19.2.92.

Shri Amar Singh

...Applicant

Vs.

Union of India & Others

...Respondents

For the Applicant

...Shri V.P. Sharma,
Counsel

For the Respondents

...Shri B.K. Aggarwal,
Counsel

CORAM:

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

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

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

The applicant who has worked as a Safaiwala in the office of the Carriage and Wagon Department in Northern Railway, Delhi from 21.4.1984 to 10.7.1985 is aggrieved by the termination of his services by verbal order. No notice was served on him or enquiry was held against him under the provisions of the Railway Servants (Discipline & Appeal) Rules, 1968, before terminating his services.

2. The respondents have contended that the applicant's services were not terminated but he had absconded himself under the apprehension of legal action against him for submitting
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forged labour card for obtaining employment in the Railways. They have also contended that the application is barred by limitation. They have admitted in their counter-affidavit that the applicant was granted CPC Scale (temporary status).

3. We have considered the matter carefully. The applicant had worked for more than 240 days continuously as a Safaiwala. No show cause notice was served on him before terminating his services. No inquiry was held against him in accordance with the provisions of the Railway Servants (Discipline & Appeal) Rules, 1968. The plea that the applicant absconded from duty, is also not very convincing as in that event, the respondents were bound to give notice to him calling upon him to resume duty. In case they intended to terminate his services on the ground of abandonment of service, they should have held an inquiry before doing so. In a case of this kind, the plea of limitation is not tenable.

4. In view of the above, we are of the opinion that the termination of services of the applicant is not legally sustainable as no inquiry was held against him in accordance with the Railway Servants (Discipline & Appeal) Rules, 1968, before terminating his services. Accordingly, we direct that the applicant shall be reinstated in service. In the facts and circumstances of the case, we do not direct payment

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of back wages to him. After reinstatement, the respondents will be at liberty to take appropriate action against him in accordance with the provisions of the Railway Servants (Discipline & Appeal) Rules, 1968 for any alleged misconduct on his part, if so advised. The respondents shall comply with the above directions within a period of three months from the date of communication of this order.

The parties will bear their own costs.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER (A)

Sumit
19/2/92
(P.K. KARTHA)
VICE CHAIRMAN (J)