

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-2161/90

Date of decision: 24.07.1992

Shri Rishi Pal .... Applicant

Versus

Union of India through .... Respondents  
the Divisional Manager,  
Northern Railway.

For the Applicant .... Shri Ashish Kalia, Proxy  
Counsel for Shri R.L. Sethi,  
Advocate

For the Respondents .... Shri Shyam Noorjani, Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

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*

(Judgement of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice-Chairman)

We have heard the learned counsel for both the parties and have gone through the records of the case carefully. The learned counsel for the respondents have also submitted the relevant departmental file pertaining to the applicant for our perusal.

2. The applicant had filed OA-1902/88 along with some of his colleagues which was disposed of by judgement dated 20.4.1990. Their grievance was that their services had

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been terminated without giving them a show-cause notice or holding any enquiry against them in accordance with the Railway Servants (Discipline & Appeal) Rules, 1968.

After going through the records of the case and hearing the learned counsel for both the parties, the Tribunal held the impugned orders of termination to be not legally sustainable and set aside and quashed them. The respondents were directed to reinstate the applicants in service. Thereafter, the respondents were given the liberty to take appropriate action against them for any alleged misconduct after giving them a show-cause notice and giving them an opportunity to submit explanation.

In case they asked for a personal hearing, it was directed that that also should be afforded to them.

3. Accordingly, the respondents gave show-cause notice to the applicant giving him an opportunity to give his explanation. The applicant did not submit any defence against the show-cause notice and the respondents have issued the impugned order dated 4.10.1990, whereby the applicant has been removed from service. The impugned order dated 4.10.1990, has been called in question in the present application.

4. The applicant has contended that in another batch of cases which was disposed of by judgement dated 2.6.1989, (TA 161/1987 and connected matters - Ashok Kumar Vs. U.O.I.)

the Tribunal had held that termination of the services on the strength of show-cause notice, will not be legally sustainable. In our opinion, the applicant cannot claim the benefit of the judgement dated 2.6.89, the facts of which are distinguishable. In the case of the applicant himself, this Tribunal has held in DA-1902/88 that the applicant is entitled only to a show-cause notice. The respondents have complied with this direction.

5. We have also gone through the original departmental file submitted by the respondents. The main plank of the applicant's case is that he had worked for the period from 5.5.1978 to 29.9.1978 before he was again appointed as a substitute in the Railways w.e.f. 10.6.1988. The report contained in the departmental file indicates that the applicant had not worked from 5.5.1978 to 29.9.1978 and that the certificate produced by him in support of his contention is not genuine. The certificate is issued by one, Shri B.N. Sharma. According to verification, no such person had worked in the office of the respondents in the year 1978.

5. In the light of the foregoing, we see no merit in the present application and the same is dismissed. There will be no order as to costs.

*B.N.Dhondiyal*  
(B.N. Dhondiyal) 24/2/84  
Administrative Member

*P.K.Kartha*  
24/2/84  
(P.K. Kartha)  
Vice-Chairman(Judl.)