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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 159/1992

Date of decision: 14.05.1992

Shri Anil Kumar Singh

...Applicant

Vs.

Union of India & Another

...Respondents

For the Applicant

...Shri D.N. Goburdhan, Counsel

For the Respondents

...Shri M.L. Verma, Counsel

CORAM:

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

The Hon'ble Mr.I.K. Rasgotra, 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(ORAL)

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

We have heard the learned counsel of both parties. The applicant has worked as a casual labourer in the office of the respondents from 18.03.1987 to 9.12.1988. Thereafter, he has not been allowed to work in their office. The applicant has prayed that the respondents be directed to regularise his services and that the impugned order dated 20.01.1989 which was sent on 21.08.1990 be set aside and quashed.

2. The case of the respondents is that the applicant had fabricated a certificate and forged the signature of Section Officer and on that basis had obtained wages from the office of the respondents. On 9.12.1988, the respondents issued a notice to the applicant asking for his explanation as to why his services should not be terminated for the said misconduct. The applicant gave his explanation on the same day, admitting the charges brought against him but on 12.12.1988
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he submitted a detailed explanation wherein he stated that he is innocent and he was compelled to admit his claim. Thereafter, the impugned memorandum dated 20.01.1989 has been issued proposing to take disciplinary action against him in regard to the alleged misconduct. The learned counsel for the applicant stated that the memorandum dated 20.01.1989 was issued only on 8.8.1980.

3. After hearing both sides, we are of the opinion that the disengagement of the applicant as a casual labourer was after giving a notice to show cause to the applicant and after receiving his explanation. We, therefore, do not consider it appropriate to interfere with the oral order of disengagement passed by the respondents.

4. The memorandum dated 20.01.1989 proposing to initiate disciplinary proceedings against the applicant is not relevant after the disengagement of the applicant. On 20.01.1989, the applicant was not in the employment under the respondents.

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

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A) 1/15/5/92
14.05.1992

P.K. Kartha
(P.K. KARTHA)
VICE CHAIRMAN(J)
14.05.1992

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