

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 10th day of May, 2002.

Original Application No. 627 of 1996.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S. Dayal, Member- A.

Bir Bahadur Singh S/o Sri Narottam
R/o Amoghpur P.S. Mughalsarai, Varanasi.

.....Applicant

Counsel for the applicant :- Sri S.K. Dey
Sri S.K. Mishra

V E R S U S

1. Union of India through the General Manager,
N. Rly. Baroda House, New Delhi.
2. The D.E.E (RSO), N. Rly. Allahabad.
3. The A.E.E (RSO), N. Rly. Allahabad.

.....Respondents

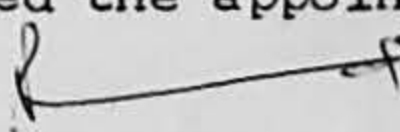
Counsel for the respondents :- Sri A.V. Srivastava

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A under section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order dated 29.12.1994 by which disciplinary authority passed the order of removal against the applicant on conclusion of disciplinary proceedings. The order has been up held in appeal by order dated 04.08/09.1995.

2. The facts of the case are that the applicant was appointed as Khalasi on 24.02.1990. Subsequently it was revealed that he secured the appointment on the basis of

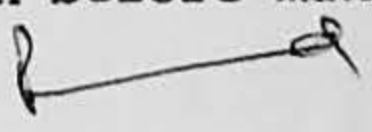


forged appointment order. On this basis, he was terminated from service which was challenged in this Tribunal by filing O.A No. 84/91. The O.A was allowed by order dated 23.02.1994 with following direction :-

" In view of the foregoing, the application is allowed. The impugned order dated 01.01.1994 is quashed and set aside. The respondents are directed to reinstate the applicant in service forthwith. They will, however, be at liberty to initiate appropriate proceedings under the rules, if the facts and circumstances of the case so warrant and thereafter take appropriate decision based on the findings of the enquiry. We refrain from passing any order as to costs."

3. After the aforesaid order, the applicant was served with memo of charge dated 04.08.1994. The applicant filed his reply and as usual the enquiry officer was appointed who after completing the enquiry submitted his report on 22.11.1994 and concluded that the appointment order in favour of the applicant was forged. The disciplinary authority agreed with the report of enquiry officer and passed the order of removal against the applicant on 29.12.1994, which has been maintained in appeal.


4. The learned counsel for the applicant has submitted that the orders are short and ~~in~~ ⁱⁿ cryptic ~~manner~~ and no reasons have been mentioned. We have considered this submission of the learned counsel for the applicant carefully and also perused the report of the enquiry officer. The enquiry officer examined the whole matter in detail and concluded that the appointment was based on forged letter. ~~Therefore,~~ ^{del} the approach of the enquiry officer ^{is} analytical and he tried to verify all the steps which are usually taken before making any appointment.



With regard to medical examination, the applicant submitted that medical examination was done a month before the appointment order but the report received from the concerned medical authority shows that no medical examination of any such person took place during the relevant period. The applicant further disclosed that he received appointment order from an officer known as Sri Mathur. The said Sri Mathur was also examined. He refuted the claim of the applicant and said that he does not know the applicant. For all the aforesaid reasons, in our opinion, the view taken by the respondents is justified. It is true that the orders are not very detailed but since report of the enquiry officer shows that entire material has been examined, we do not find it fit case for interfering^{or} by this Tribunal. The O.A is dismissed.

5. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/