

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.1502 of 1998.

Allahabad this the 17th day of October 2003.

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

Susheel Kumar son of Shri Trijugi
Narayan, aged about 45 years resident of
Village & Post Office Ramsuri,
Jahangirabad District Kanpur.

.....Applicant.

(By Advocates : Sri V.B. Tewari/
Sri N.P. Singh.)

Versus.

1. Union of India
through General Manager,
Central Railway, Mumbai
CSTM.
2. Divisional Railway Manager,
Jhansi.
3. Inspector of Works,
Juhi, Central Railway,
Govind Nagar, Kanpur.
4. Asstt. Engineer, Central Railway,
Kanpur.

.....Respondents.

(By Advocate: Sri P Mathur)

O_R_D_E_R

By this O.A. filed under section 19 of Administrative
Tribunals Act 1985, the applicant has challenged the
order dated 11.09.1998 by which he has been communicated
that he can not be taken on duty.

2. The facts of the case are that applicant was
initially appointed as Muster Roll Casual Labour in 1984
under the Inspector of Works, Juhi, Kanpur. After
completing 120 days continuous, working as such he was

given regular employment of M.R.C.L, Kanpur and he was found medically fit for B-1 category. However, the applicant was retrenched by order ^{dated} 13.02.1991 on the ground that there was no work available. He made representation but he was not taken back, aggrieved by which, he filed O.A. No. 124 of 1992, which was allowed on 23.04.1997. The following direction was reproduced below:

"In the facts and circumstances stated above, we dispose of this application with direction to the respondents to hold a confronted inquiry to find out whether the applicant had obtained employment as Muster Roll Labour on the basis of alleged forged casual labour Card and in the event it is found that the applicant had obtained employment on the basis of forged labour card, this application will stand dismissed. In case, however, if it is found that the labour card furnished by the applicant was genuine, he will be reinstated giving seniority with all consequential service benefits as if his services were not terminated".

In pursuance of the aforesaid direction, respondents have passed the impugned order dated 11.09.1998.

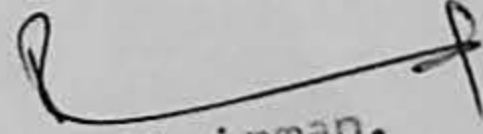
3. Learned counsel for the applicant has submitted that direction of this Tribunal was to hold a confronted inquiry before coming any conclusion about genuineness of Casual Labour Card. It is, however, submitted that no such inquiry was held before passing the order. ^{these} ~~these~~ averments ^{have been} ~~made~~ made in paragraphs No.4.15, 4.16 and 4.17 of the O.A. Learned counsel for the applicant has submitted that the impugned order dated 11.09.1998 is violative of principle of natural justice and has been passed ignoring the direction of the Tribunal contained in para 7 dated 23.04.1997. Reply of these paragraphs has been given in the counter affidavit;

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In paragraphs 13, 14 and 15. From perusal of paragraphs 13, 14 and 15 of the counter affidavit, it is clear that no opportunity of hearing was given to applicant. The impugned order does not show that any confronted inquiry as desired by the Tribunal, was held before passing the order. In the circumstances, in my opinion, the order passed cannot be sustained.

4. For the reasons stated above, the O.A. is allowed. The order dated 11.09.1998 is quashed. The respondents are directed to take back the applicant in service with continuity and all benefits. However, he will not be entitled for back wages. This order shall be implemented within three months.

5. There will be no order as to costs.


Vice-Chairman.

Manish/-