

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Review Application No.48/86

In  
O.A. No. 307/86

Union of India & Others... .. Applicants

Vs.

Shahabuddin... .. Respondent

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This Review Application is filed by the Union of India against the judgment and order dated 23rd October, 1986 passed by this Tribunal allowing the application filed by the respondent holding that the present applicants who were respondents in the Original Application have failed to justify their action in not giving duty to the applicant without any valid reason, and as such the applicant was entitled to receive salary of the post of Extra Departmental Branch PostMaster with effect from 1.6.1985. It was further directed that the applicant is put back on duty as early as possible and in any case within one month from the date of this order. In the said case a written statement was filed by the present applicants but on the date of hearing it appears that no one appears<sup>ed</sup> in the Court and after perusing the Written Statement and hearing the respondent to the application the case was heard and disposed of.



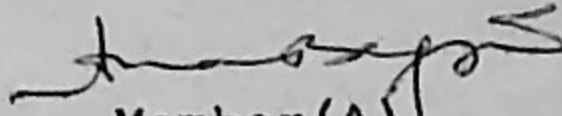
2. In the written statement it is clearly mentioned that although the Inspector could not get anything substantial against the respondent who procured the job by filing forged certificate but the inquiry was referred to the Sub Divisional Officer and the Inspector of Schools and the principle of the school was also contacted and from the report it was evident that the certificate which was <sup>brought</sup> ~~bring~~ by the applicant for getting the service as Extra Departmental Branch Post Master was fictitious and forged. It has also been pointed out that this application has been allowed on the ground that the inquiry took place <sup>and dragged on for</sup> ~~in~~ three and half years and in which the respondent was proved to be innocent. As a matter of fact no departmental inquiry took place and the Inspector was directed to make certain inquiry and the Inspector report is in favour of the respondent and not satisfied with it the matter was referred to other authority. From the report of the Inspector it appears that the certificates which were produced by the respondent are too important and it was mentioned that this escaped the attention of the applicant. The Tribunal further assumed that an inquiry has taken place and the respondent was suspended on the ground that he furnished forged certificates for securing his appointment. The error which has been committed by the Tribunal obviously ~~apparent~~ on the face of the record

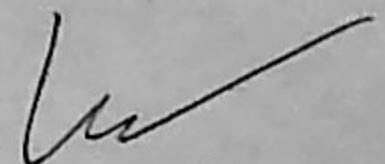


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and as such in these circumstances the Review Application deserves to be allowed and the judgment and order dated 23rd October, 1986 passed by the Tribunal is recalled and the case will now be re-heard. Let a date be fixed for hearing and notice be issued to the respondent.

  
Member (A)

  
Vice-Chairman.

25th Feb, 1992, Alld.

(sph )