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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.747 of 1986

Chatra Pal & 8 Others ..... Applicants

Versus

General Manager, N.E.Railway  
Gorakhpur & Others. ..... Respondents.

Hon.S.Zaheer Hasan, V.C.  
Hon. Ajay Johri, A.M.

(By Hon.S.Zaheer Hasan, V.C.)

This is an application under Section 19 of the Administrative Tribunals Act XIII of 1985. Chatra Pal and 8 others have filed this petition for direction to the opposite parties to decide the representation of the applicants dated 2.8.1985 and to appoint them to class IV in accordance with the seniority list of the result of the test published vide notification dated 18.4.83.

2. The applicants' case is that they were working as casual labourers in B.G.Construction Project of N.E.R. Lucknow Division ~~for~~ <sup>from</sup> a long period. A screening test was held in 1983 in which the applicants alongwith other casual labourers appeared. On 18.4.83 the result of the test was notified and the applicants were approved for appointment as class IV staff in the Railway. Subsequently they

were medically examined and found fit. After medical examination the applicants were waiting for the appointment letter but they have not received any appointment letter and on the other hand the persons junior to him in the aforesaid list were appointed. In this connection they made a representation on 2.8.1985 but no reply was given. In April, 1986 the applicants came to know that on 14.4.1986 six persons were appointed in class IV vacancy though they were not put in ~~screen~~ list prepared in 1983.

3. The defence is that the list was prepared in 1983 in which the applicants and others were approved for appointment. They did not submit original certificates from the concerned Loco Foreman under whom they were working and the certificates produced at the time of screening were subsequently found to be forged and fake. It was further alleged in the Counter Affidavit that the applicants never worked in the Loco Shed and as such they were not given the appointment and they were put to strict proof of allegation with regard to the fact that they have worked in B.G. (Construction). The applicants are also required to show their original working certificate. The only point argued before us was as to whether the applicants' name was rightly dropped and they were not appointed because they had submitted

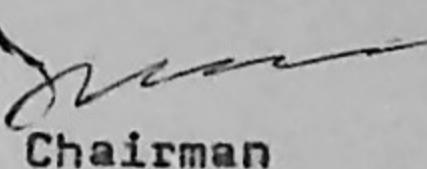
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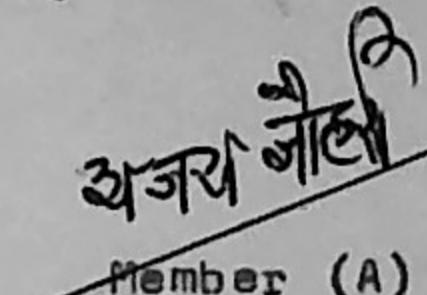
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forged and fake certificates. The contention of the applicants is that the representation was sent by post which was received by the respondents on 26.2.1985 as is evident from the Postal Acknowledgement Receipt. (Annexure-I). In response to the representation made by the petitioner he received a communication from the office of Prime Minister dated 13.5.1985. The letter of <sup>Shri M</sup> Satya Prakash Malviya, M.P. addressed to the Railway Minister also suggests that in 1985 some complaints were made regarding selection out of the panel. The applicants were never informed that the certificates were forged and fake. So it was contended that any finding regarding forgery behind the back of the applicants is bad in law.

4. In 1983 screening was done and the applicants alongwith others were approved for appointment. It appeared that some enquiry was made and it was found that the certificates filed by the applicants were <sup>as</sup> found forged and they were not given any appointment. The applicants were never told that they were not given the appointment for the aforesaid reason. In this connection they made a representation but no reply was given. So naturally they could not deny the alleged forgery. When the Counter Affidavit was filed they came to know that there was a charge of forgery and now

they are denying the same. This finding of forgery was given behind the back of the applicants and they were not communicated. So this action of passing ex parte finding is violative of the principles of natural justice. The authorities are directed to hear the applicants regarding the alleged charge of forgery and thereafter pass suitable order. The petition is disposed of accordingly with costs on parties.

  
Vice Chairman

  
Member (A)

Dated the 24 Sept., 1987

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