

(Reserved).

CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD.

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Registration T.A.No. 1027 of 1986
(Civil Misc.Writ Petition No. 1077 of 1982)

Gaja Prasad v.s. . . . Union of India and another.

Hon'ble Justice Shri S.Zaheer Hasan, Vice Chairman.

Hon'ble Shri Ajay Johri, Member (A).

(Delivered by Hon. S.Zaheer Hasan, V.C.)

This application (Civil Misc. Writ Petition No. 1027 of 1982) pending in the Hon'ble High Court of Judicature at Allahabad, has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

Petitioner Gaja Prasad claims himself to be son of late Nanhoo who was a permanent employee in the Railway Department. Nanhoo died, and on 21.9.1978 the petitioner was appointed as labourer on compassionate ground.

In this writ petition the petitioner has challenged the order dated 16.1.1982, detailed below, on the ground that he was condemned unheard:-

"You secured appointment in Railway service

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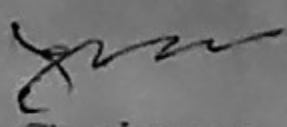
by fraudulent means and by suppressing facts about your identity. You would not have been eligible for appointment in Railway service but for the fraudulent method resorted to by you. In view of this, your services are terminated with immediate effect. You are directed to receive 14 days notice pay from the office of the CF/MCS immediately.

You will please handover to CF/MCS Railway property if any in your possession. You will also please handover vacant possession of Railways quarter allotted to you in your occupation if any. "

This writ petition can be disposed of on a short point. The order detailed above clearly shows that it was not an order simpliciter terminating petitioner's services without a stigma. It is clearly stated in the order that the petitioner secured appointment by fraudulent means and by suppressing the facts about his identity. This order was passed ex parte and it definitely casts stigma and, therefore, it is bad in law and is liable to be set aside.

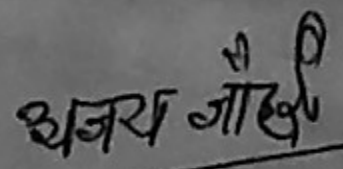
This application (Civil Misc. Writ Petition No. 1027 of 1986) is allowed with costs on parties and the impugned order dated

16.1.1982 (Annexure-II to the writ petition)
is quashed. The respondents will be at liberty
to proceed against the petitioner according to
law.


Vice Chairman.

February 27th, 1987.

R.Pr./


Member (A).