

(84) (6)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALIA HABAD BENCH

...

Registration O.A. No. 1199 of 1987

Virendra ... Applicant

vs

Union of India and another.... Respondents

Hon' Mr Justice Kamleshwar Nath, V.C.

Hon' Mr K.J. Raman, Member (A)

This application under section 19 of the
Administrative Tribunals' Act of 1985, is for
quashing the order dated 26-12-1986 by which,
he was removed from service with effect from 9-1-1987.

2. The applicant was working as a casual labour
with the respondents which he claims to have commenced
from 2-4-1983. He also claims to have acquired the
status of temporary railway servant. However, he was
served with an order dated 26-12-1986 (Annexure-A.1)
stating that the casual labour card on the basis of
which he was engaged by the respondents was found
on an inquiry to be forged and bogus. He was not
required to show cause as to why his services may
not be terminated. The applicant's grievance is that
he made representation dated 15-1-1987 (Annexure-A-II),
but, instead of passing final orders of termination,
he was simply put off the job w.e.f. 9-1-1987.

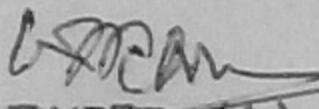
3. The counter and rejoinder have been exchanged.
Shri A.K. Gaur, learned counsel has made appearance
on behalf of the respondents to contest the matter.
The learned counsel is unable to state whether or not
an inquiry on the basis of show cause notice (Annexure-A-I)
was actually conducted. The fact remains undisputed

L.D.

that the applicant has been out of employment since 9-1-1987.

4. Since the respondent's counsel is unable to state whether or not the inquiry was actually conducted, we must hold that they have not held any inquiry. That being so, the respondents putting the applicant off the job is in violation of principle of natural justice and cannot be sustained. Even so, it should be open to the respondents to hold a proper inquiry, if they so like.

5. The application is allowed. The impugned order dated 26-12-1986 is quashed and the respondents are directed to reinstate the applicant within a period of one month from the date of receipt of a copy of this judgment without payment of back wages. It will be open to the respondents to hold a proper inquiry in the matter of forged casual labour card and pass suitable orders there in. The application is disposed of accordingly with no order as to costs.


MEMBER (A)

(sns)

August 7, 1990.

Allahabad.


VICE CHAIRMAN