

(5) (A2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Review Application No. 24 of 1987

In

Original Application No. 43 of 1987

Jamuna Prasad

....

Applicant

vs.

Union of India & Others ....

Respondents

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.)

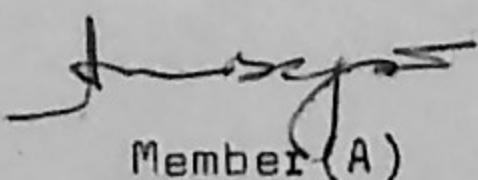
This Review Application is against the judgment and order dated 21.1.1988 passed by this Tribunal in O.A.No.43 of 1987 dismissing the claim petition filed by the applicant. The case of the applicant is that on 14.1.1990 he joined under P.W.I. Haridwar who used to extract Rs.20/- per month from him. Due to fear of unemployment he was compelled to accept this deduction. The applicant put his thumb impression on a blank card which was taken away from him. In the year 1986 after the visit of D.R.M., Moradabad a show cause notice was issued to the applicant with the allegation that his labour card was forged and he should explain the same. The applicant submitted his reply to the same. The applicant states that he entered into the service in the year 1980 and since then he is continuously working as such. He also stated that in what circumstances the labour card was taken from him and he was only required to put his thumb impression on a blank card. The applicant's services were terminated vide order dated 31.5.86. This order was challenged by the applicant before the Tribunal.

2. The respondents took the plea that the applicant's services were terminated as he himself absented with effect from that date. The Tribunal did not accept the said plea. The applicant after working for several years continuously undoubtedly had attained the 'temporary status' and his services could not have been terminated without taking any

(6)

(12)  
2

proceeding against him and the same was not done in his case. In reply the respondents have stated that a show cause notice was issued to the applicant and the applicant submitted his reply and clearly stated that he had worked from the year 1980. It became incombance on the respondents to hold an inquiry that in what circumstances the labour card was filled in by the person concerned because the applicant was illiterate. Without holding any inquiry into the matter an ex-parte decision was taken holding the applicant guilty for the same and instead of passing an order on the basis of any inquiry an order was passed on the ground that he has absented himself from service though obviously the same was not correct. Although these certain facts were not considered by the Tribunal and without considering these facts the Tribunal dismissed the application. In these circumstances we are of the opinion that the order passed by the Tribunal is in consistant and contradic~~tion~~ and accordingly the said order is recalled and the termination order dated 31.5.86 is quashed. The applicant will be deemed to be continuing in service but he is not entitled to any back wages for the period between the date of termination upto the date. In case the respondents will not take back him in service within a period of 2 months from the date of communication of this order they shall pay him salary regularly. The Review Application is allowed in the above terms. There will be no order as to costs.

  
Member (A)

  
Vice-Chairman.

24th February, 1992, Alld.

(sph)