

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A. No.
T.A. No.

136

1987

DATE OF DECISION _____

Karan Singh

Petitioner

R.K. Nigam

Advocate for the Petitioner(s)

Versus

DRM, Jhansi

Respondent

A.V. Srivastava

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.

S. Zaher Hasan, VC.

The Hon'ble Mr.

Ajay Johni, AM.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.136 of 1987

Karan Singh Applicant

Versus

D.R.M., Central Railway Jhansi. 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.

2. The applicant Karan Singh was working
as Khalasi ^{from} more than two years. He received
a notice dated 31.1.1987 informing him that his
Labour Card was sent for verification and till
it is received after verification he will not be
taken on duty from 19.2.87 and if the Labour Card
was found forged his services would be terminated
and administrative action would be taken against him.
On 6.2.87 the applicant moved a representation
against this notice denying the allegation about
the fraud and demanding a hearing before passing
any order of termination. On 16.2.87 it was
mentioned that fifteen days before the applicant
was informed that if the card was found forged his

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So his services were being terminated
services would be terminated w.e.f. 19.2.87.
The applicant has challenged this order on the
ground that it is illegal.

3. The defence is that no ~~any~~ representation dated 6.2.87 was received. After enquiry Labour Card of the applicant was found fake. On 31.1.87 the applicant was informed that his Labour Card was sent for verification and in case the Card was found forged his services shall stand terminated. The applicant failed to submit any explanation so his services were rightly terminated.

4. According to the guidelines issued by the Department vide letter dated 13.12.85 notice as per proforma should be issued and on receipt of explanation and other evidence they should be considered by the competent authority giving reasons of termination of service in a speaking order. These guidelines are based on principles of natural justice and fair play and they were not followed in the case before us. The least that is required to be done in such cases is :-

- (1) to inform the employee of the proposed action,
- (2) to disclose to him the material sought to be relied against him,
- (3) to afford him a reasonable opportunity to correct or to controvert such material and to place his view and lead evidence if he so desires and thereafter⁽⁴⁾ to arrive at a fair and just decision supported by reason expressed in a speaking order.

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The notice dated 31.1.1987 is conditional. It does not say that the Labour Card has been found forged and so the applicant should show cause as to why his services should not be terminated. The order of termination refers to this notice dated 31.1.87 and simply states that the Card was found forged so his services were being terminated w.e.f. 19.2.87. The applicant was not told about the material sought to be relied against him in support of the charge. The finding about the fraud was arrived on the basis of the evidence taken behind the back of the applicant. The impugned order violates the aforesaid guidelines and the rules of natural justice and fair play. So the impugned order dated 16.2.87 is hereby quashed with costs on parties. The authority ~~concerned~~ will be at liberty to issue a fresh show cause notice and to decide this matter according to law in the light of the observations made above.

अनुराज जी

Member (A)

Vice Chairman

Dated the 9th Feb., 1988

RKM