

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
Registration T.A.NO. 1399 of 1987

Sri Verma Ji

....

Applicant

Versus

General Manger, N.Rly,
Baroda House, New Delhi
and 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.)

The applicant was appointed as Gangman in the year 1977. The allegations of the applicant in this case is uncontroverted as no counter affidavit has been filed. The applicant was medically examined and having ^{been} found fit, he was made permanent in the year 1984. He worked as Gangman at different Railway Stations during the period 1981 to 1984. While working at Kauraru Railway Station, the Assistant Permanent Way Inspector Shikohabad wrote a letter to P.W.M. Kararu asking him to send the applicant ^{to} Shikohabad office and after Permanent Way Inspector Shikohabad permits him to join the duty, the applicant should be permitted to work as Gangman. The P.W.I. Kauraru asked the applicant to see the P.W.I. Shikohabad there he met him and he asked the applicant to see A.E.N. Etawah. The applicant approached the A.E.N. Etawah also but he did not meet the applicant nor he took him on duty. The applicant made representations to the respondents but his representations were not accepted. The services of the applicant have thus been terminated, and it appears from the letter which was issued to the applicant that his services have been terminated because it was viewed that his Labour Card was a forged Labour Card.

2. If there was any fault on the part of the applicant or if he is ~~conducting~~ ^{guilty of} any misconduct, his services

could not have been terminated. He was a permanent Gangman and the services of a permanent Gangman could have been terminated only in the way in which the services of the permanent employee ^{are} terminated. Even if he was temporary employee the services could have been terminated because of the misconduct and an enquiry and ^{the given} an opportunity was needed ^{that} was not done. Accordingly the applicant has been wrongly not allowed to do the service, and this unwritten termination order which may have been visited by some termination order in the office file is ~~illegally~~ ^{bad} and cannot be maintained, and the applicant shall be deemed to be continuing in service. Because the applicant had not worked for these years, obviously he will not be paid any back wages and emoluments for the same but will be deemed to be continuing in service ~~continuously~~. The respondents shall take him back in service latest by 1st January, 1992. In case ^{actual} he will not be taken ^{him} back in service on that date and he ^{is deemed} ^{to be} continuing in service, the respondent are directed even in that event, ^{like after from 1-1-92} shall ⁴ continue to pay him salary regularly. ⁴ No order as to casts.

Shanay (S)
MEMBER (S)

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VICE-CH. AIRMAN.

29th November, 1991, Allahabad.

(sph)