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RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION NO. 504 OF 1987/

Bhagwan Singh Applicant

Versus

The D.R.M.Central Railway,
Jhansi & others. Respondents.

Hon.S.Zaheer Hasan-VC
Hon.Ajay Johri -AM

(Delivered by Hon.S.Zaheer Hasan. VC)

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This is an application under
Section-19 of the Administrative Tribunal
Act no.XIII of 1985.

2. By notice dated 26.5.87, the
applicant Bhagwan Singh was asked to show cause
why his services should not be terminated
for obtaining his appointment as Casual Labour
on the basis of forged Service Card. He
submitted an explanation demanding ~~about~~ the
details of the evidence on the basis of which
his card was found forged. Instead of hearing
the applicant , termination order was passed
on 10-6-1987 . Aggrieved by this order, the

applicant has come up to this Tribunal.

3. Simplicity of the form of order will not give any sanctity to it. We have to look to all the attending circumstances to discover whether the order has been passed by way of punishment or not. First a notice was issued with the charge of forgery. Thereafter, the termination order was passed. The heading of the termination orders runs as below:

"Fake Casual Labour Card-holders and termination of their services."

4. It also mentions the letter dated 21.11.86 in which it has been directed that the guidelines dated 13.12.85 should also be followed. These guidelines run as under:

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"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 speaking order.".

5. So this is not an order simplicitor. The contents and all the attending circumstances clearly show that it was passed with stigma and by way of punishment on the basis of the

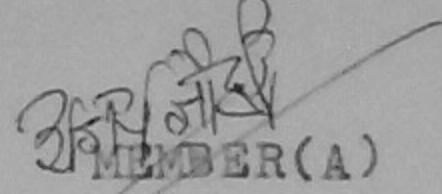
evidence procured behind the back of the applicant.

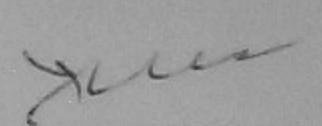
6. We have given detailed reasons for condemning such order in Registration No.349/87, Rajednra Kumar-vs- The DRM Central Railway, Jhansi & others and they need not be repeated here. It would suffice to say that according to the guidelines dated 13.12.85, the authorities should have considered the explanation and should have passed a reasoned order. These guidelines which are based on the principles of natural justice and are not contrary to any rule or law were not followed and the impugned order of termination was passed. So, the order of termination (Annexure-A-14) is hereby quashed. The authorities will be at liberty to issue a fresh show cause notice to the applicant mentioning therein the evidence on the basis of which they have come to the conclusion that his service card was forged and after hearing the applicant and assessing the entire evidence on the record pass a speaking order.

7. In the circumstances of the case, the

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parties shall bear their own costs.


MEMBER(A)


VICE-CHAIRMAN

Dated: January 14, 1988/
Shahid.