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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)  
.....

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



AS/2 (5)

-2-

applicant has come up to this Tribunal.

3. Simplicity of the form of order will not given 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<sup>n</sup> as under:

" 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



-3-

evidence procured behind the back of the applicant.

6. We have given detailed reasons for condemning such order in Registration No.349/87, Rajendra 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

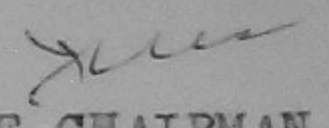


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-4-

parties shall bear their own costs.

  
MEMBER(A)

  
VICE-CHAIRMAN

Dated: January 24, 1988/  
Shahid.