

~~AB~~

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION O.A. NO. 538 OF 1987

PURSHOTTAM

.....

APPLICANT

Versus

D.R.M. CENTRAL RAILWAY, JHANSI  
AND 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 ~~the~~ <sup>the</sup> ~~show cause~~ notice dated  
26.5.1987, the petitioner Purshottam was asked  
to show cause why his services should not be  
terminated because he obtained appointment as  
Casual Labour with the help of forged casual labour  
Card. He submitted an explanation dated 30.5.1987  
which was received by the authorities on 2.6.1987  
vide Annexure-II. In his explanation, he denied  
the charge and demanded the details about the  
evidence on the basis of which, the authorities  
came to the conclusion that his Card was forged.  
Instead of giving him any such opportunity, the



authorities terminated his services on 11.6.1987 vide Annexure-III. He came to this Tribunal for quashing the order of termination .

3. The heading of the order of termination runs as under:

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

*n* thereafter, this order mentions an order of department dated 21.11.1986 and ~~thereafter~~ *n* it ~~also~~ states that the services are terminated after the completion of 15 days notice w.e.f. 27.5.1987 and 10 days wages were being arranged to be paid to the petitioner. The order of the Head Quarter dated 13.12.1985 runs as below:

" Notice as per proforma should be issued and on receipt of explanation and other evidence, they should be considered by the competent authority giving reason of termination of services in speaking order."

*n* 4. In the letter of Board dated 31.11.86, mentioned in the termination order, it has been directed that the guidelines given in the letter dated 13.12.85 should be followed. This notice further states that the services will be terminated w.e.f. 26.5.1987, one day after the date on which the show cause notice was issued. Simplicity of the form of the order will not give any sanctity to it. We have



to look to all the attending circumstances to discover whether the order has been made by way of punishment or not. Here the heading of termination order, mentioning of letter dated 21.11.86 and the date from which the services were terminated alongwith the guidelines dated 13.12.85 clearly show that this order of termination was passed with stigma and it was nothing but by way of punishment awarded on the basis of evidence procured behind the back of the applicant. In his explanation, he demanded the details about the evidence on the basis of which the department had come to the conclusion that the Card was forged. Instead of giving any opportunity to the applicant of being heard and supplying him the necessary information, the department terminated his services with stigma on the basis of evidence procured behind the back of the applicant. So, the order of termination violates the principles of natural justice. We have given detailed reasons for condemning such order in Registration NO.349/87 Rajendra Kumar- vs. 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 given an opportunity of hearing to the applicant and after considering the explanation and other evidence, should have passed a reasoned order. These guidelines, which are based on

M

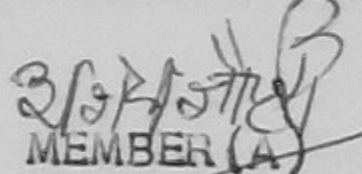


(6)

-4-

principles of natural justice which are not contrary to any rule or law, were not followed. So the impugned order of termination is 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.

5. In the circumstances of the case, the parties shall bear their own costs.

  
MEMBER (A)

  
VICE-CHAIRMAN

Dated: January 26, 1988/  
Shahid.