

2  
14  
RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION .O.A. No.540 of 1987

Hari Shanker Gupta ..... Applicant

Versus

The Union of India & others..... Respondents.

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

(By Hon'ble S.Zaheer Hasan-VC)

.....

This is an application under  
section-19 of the Administrative Tribunal  
Act No.XIII of 1985.

2. A notice dated 26.5.1987 was  
issued to the petitioner to show cause why  
his services should not be terminated because  
he obtained appointment as Casual Labour  
on the basis of forged Casual Labour Card. On  
3.6.1987, the petitioner submitted his  
explanation demanding the details about the  
evidence obtained behind the back of the  
petitioner. Instead of giving any opportunity  
of hearing, the authorities passed the

M

order of termination on 10-6-1987(Annexure-III) in which, it has been stated his services are terminated and the payment will be made as per standing orders. The simplicity of the form of ~~this~~ 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. The heading of termination order shows that it relates to fake casual labour card. Before that, in the show cause notice, it was alleged that the petitioner obtained ~~employment~~ punishment with the help of forged Labour Card. In the body of termination order, the letter dated 21.11.86 is mentioned. In this letter, it is also stated that the guidelines dated 13.12.85 should be followed. These guidelines runs 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 reason of termination of services in speaking order."

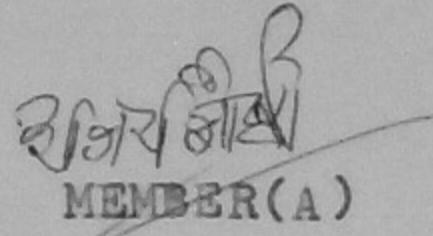
3. These guidelines were not followed. So all the attending circumstances suggest that it was not an order simplicitor, but it was an order terminating the services of the petitioner



(1)  
AM  
-4-

on the record pass a speaking order.

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

  
MEMBER(A)

  
VICE-CHAIRMAN

Dated: January 24, 1988/