

(P.K) (C4)

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION NO.541 OF 1987/

Lakhan LalApplicant

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 his explanation
demanding the details about the evidence
on the basis of which the authorities came
to the conclusion that his Card was forged.
Instead of hearing the applicant, his
services were terminated on 10.6.87 vide

(Annexure-III). The petitioner has challenged this order of termination. Simplicity of the form of order will not give ~~any~~ any sanctity to it. We have to look to all the attending circumstances to discover whether the order was passed by way of punishment or not. First a show cause notice was issued containing the charge of forgery. Thereafter, termination order was passed with the following heading:

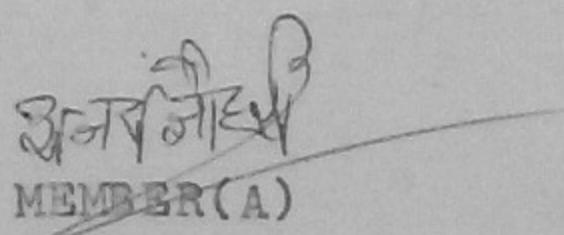
"Fake Casual Labour Card-holders and termination of their services.".

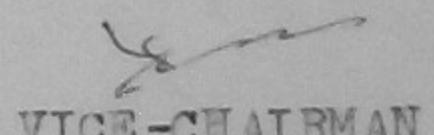
3. It also mentions that necessary payment will be made in due course. So, it is not an order simplicitor. The facts and attending circumstances mentioned above clearly show that this order was passed with stigma and by way of punishment on the basis of the evidence obtained behind the back of the applicant without giving ~~her~~ ^{an} opportunity of hearing to the applicant.

4. We have given detailed reasons for condemning such order in Registration no.349/87, Rajendra Kumar-vs- The D.R.M. 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 rules or law, were not followed and the impugned order of termination was passed. So, the impugned order of termination 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.

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


MEMBER(A)


VICE-CHAIRMAN

Dated: January 7, 1988/
Shahid.