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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
Registration O.A.No.544 of 1987

V.K.Srivastava

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Applicant

Vs.

Union of India & Others

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Labour 'B' by the General Manager of Small Arms Factory Kanpur on a probation for six months vide letter dated 9.1.1983. His name was sponsored by the employment exchange. Vide a letter dated 30.12.83 the applicant was informed that the Regional Employment Exchange Kanpur had incorrectly included his name in the list forwarded by ^{it} and as such he was asked to submit his explanation in the matter. Vide an order dated 9.1.84 it was ordered that the appointment of the applicant along with 12 other persons mentioned in the said order be treated purely on provisional basis till further instructions. Though prior to that the applicant was rather treated to become a labour on regular basis, in as much as he had completed 6 months of service. Another letter was issued to the applicant on 16.3.85 telling him that a disciplinary proceeding against him was contemplated/pending, and the applicant was placed under suspension with effect from 16.3.85. Soon 2 days thereafter the termination order was received by the applicant.

2. The applicant earlier challenged the termination order by filing a writ petition, and thereafter he had approached this Tribunal as this writ petition could not be entertained ~~by the respondents.~~

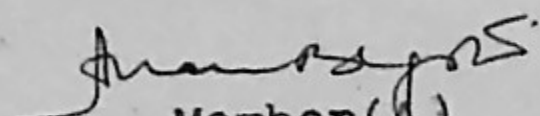
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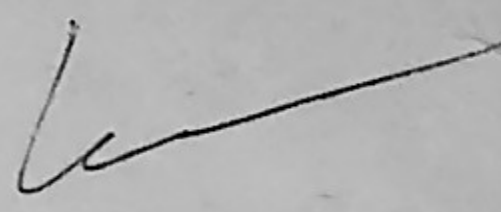
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3. The respondents have resisted the claim of the applicant and pointed out that it was discovered that the name of applicant and 12 others were provisionally sponsored by the employment exchange. The pleas raised by the respondents makes it clear that the services of the applicant/ were terminated by way of penalty, in as much as ^{had} he/committed a fraud in sponsoring his name through the employment exchange, to get appointment. If it was a case of fraud, obviously the applicant was entitled for reasonable opportunity to defend himself, but the same was not done. As the applicant had worked for 6 months he attained a particular status and he was entitled to reasonable opportunity to file his reply against the same. In these circumstances the application is allowed and the order dated 9.1.84 and the termination order dated 3.3.85 and 18.3.85 is quashed, and the applicant will be deemed to be continuing in service. However this judgment will not preclude the respondents to proceed in accordance with law. No order as to costs.

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Member (A)


Vice-Chairman

5th December, 1991, Alld.

(spH)