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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION NO. 590 OF 1987/

Ramesh ChandApplicant

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 Ramesh Chand was asked to show cause
as to why his services should not be
terminated for obtaining appointment as
Casual Labour on the basis of forged labour
Card. He submitted his explanation on 3.6.87
demanding the details about the evidence
on the basis of which, the authorities came

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to the conclusion that his card was forged. Instead of giving him any such opportunity, the authorities terminated his services on 10.6.87 with the remark that necessary payment would be made according to the standing orders. The simplicity of the form of an order will not give 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.

3. The termination order was passed after show cause notice in which the charge of forgery was detailed. The heading of the termination order runs as under:-

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

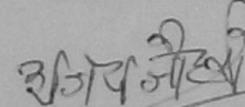
4. The termination order also mentions the letter dated 21.11.86 in which there is a direction to follow the guidelines given in the letter dated 13.12.85. It is not an order simplicitor. The order and its contents clearly show that this order was passed with stigma and by way of punishment without hearing the applicant on the basis of the evidence procured behind the back of the applicant.

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5. 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 the guidelines dated 13.12.85 referred above were not followed. These guidelines are based on the principles of natural justice and are not contrary to any rule or law. 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.

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


MEMBER(A)


VICE-CHAIRMAN

Dated: January 20, 1988/
Shahid.