

AB
13

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION NO.593 OF 1987/

Uma Charan Applicant

Versus

The D.R.M.Central Railway,
Jhansi & others. Respondents.

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

(Delivered by Hon.S.Zaheer Hasan-)
Vice-Chairman)

.....

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

2. By notice dated 26.5.1987, the
applicant Uma Charan was asked to show cause
why his services should not be terminated for
obtaining his Casual Labour Card on the
basis of forgery. He submitted his explanation
on 30-5-1987 in which, he had demanded about
the details of the evidence on the basis of
which the authorities had come to the conclusion

that ^M his labour card was forged. Without giving him any opportunity of hearing, the termination order was passed on 13.6.1987 in which, it was mentioned that his services are being terminated after completion of 15 days notice and necessary payment shall be made as per standing orders. The applicant has challenged this termination order.

3. 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 runs as below:

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

4. This order was passed after show cause notice in which the charge of forgery was levelled against the applicant. This order further mentions the letter dated 21.11.86. In this letter, it was also mentioned that the guidelines dated 13.12.85 should be followed. So, taking all the facts and circumstances of the case, it is clear that this order was passed with stigma and by way

of punishment without hearing the applicant and on the basis of the evidence procured behind the back of the applicant.

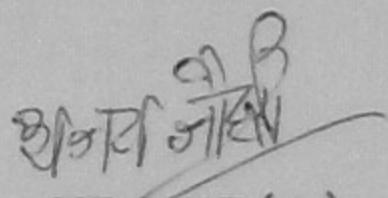
5. We have given detailed reasons for condemning such order in Registration No. 349/87 Rajendra Kumar-vs-The DRM, Central Railway, Jhansi & others and they need not be repeated here. It would suffice to say that according to the guidelines referred above, the authorities should have given an opportunity of hearing and after considering the explanation of the applicant should have passed a reasoned order. These guidelines, which are based on the principles of natural justice and are not contrary to any rule or law, ^{which} were not followed. 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 casual labour card was forged and after hearing the applicant and assessing

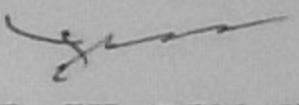
6

-4-

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, 1983/
Shahid.