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Reserved

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABA D.

Registration No.614 OF 1987

Jagannath Prasad ..... Applicant

Versus

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

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

(By Hon.S.Zaheer Hasan- VC)

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

2. In 1983, no person could be appointed as Casual Labour unless, he possesses a certificate that he had worked as such on earlier occasions. The applicant is said to have obtained appointment as Casual Labour on production of service card. The authorities made some enquiry behind the back of the applicant and on that basis they found that the entries in the Card were wrong and it was forged. So, on 13.11.86, they terminated his

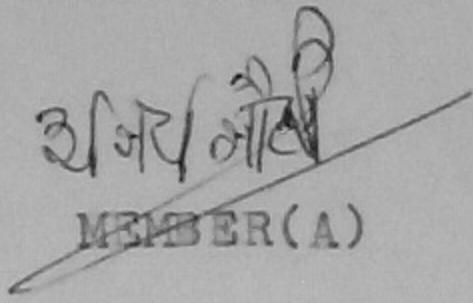
services after giving 15 days notice. In the order itself, it is clearly mentioned that the card was found forged so his service was being terminated. So, the order of termination contains stigma and was passed by way of punishment.

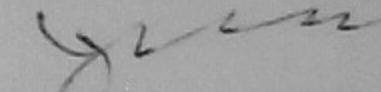
3. We have given detailed reasons for condemning such order in Registration No.349/87, Rajendra Kumar-vs- The DRM, Central Railway, Jhansi & others and they need not be repeated here. It would suffice to say that according to the guidelines dated 13.12.85, the authorities should have considered the explanation and should have passed a reasoned order. These guidelines, which are based on the principles of natural justice and <sup>are</sup> not contrary to any rule or law, were not followed <sup>in</sup> and 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.

7. In the circumstances of the case, the

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parties shall bear their own costs.

  
MEMBER(A)

  
VICE-CHAIRMAN

Dated: January 16, 1983/  
Shahid.