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RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

REGISTRATION NO. 615 OF 1987/

OM PRAKASH

.....APPLICANT

Versus

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

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

(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. On 17-11-86, the services of the
applicant Om Prakash were terminated after
giving 15 days notice with the allegation
that on enquiry, his service Card was
found forged. In 1983, no person could be
appointed as Casual Labour unless he produces
a certificate to the effect that he had
worked as such on earlier occasions. It
appears that after some enquiry, the
authorities came to the conclusion that the

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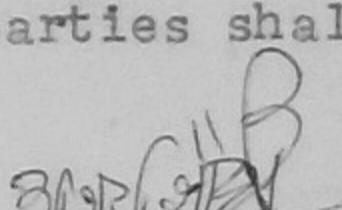
applicant had obtained his appointment as Casual Labour on production of forged service card and on the basis of that enquiry, the applicant's services were terminated . On 20.11.1986, the applicant protested that this order was illegal and he has challenged the same in this application. The termination order clearly shows that his services were terminated because he obtained appointment on the basis of wrong assertion contained in the forged service card. So, it is not an order simplicitor but it contains stigma and was passed by way of punishment.

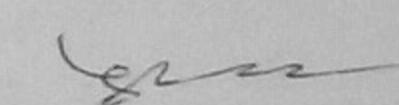
3. We have given detailed reasons for condemning such order in Registration No.349/87, Rajendra Kumar -vs- The DRM, Central Railway, Jhansi & others and they need not be repeated here. It would suffice to say that according to the guidelines dated 13.12.85, the authorities should have considered the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

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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.

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


MEMBER(A)


VICE-CHAIRMAN

Dated: January 16, 1988/
Shahid.