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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
Registration O.A. No.800 of 1987

Kuljeet Singh Applicant

Versus

Union of India & Others Opposite Parties.

Hon. Justice K.Nath, V.C.

Hon. K.J. Raman, A.M.

(By Hon. Justice K.Nath, V.C.)

This application under Section 19 of the Administrative Tribunals Act, 1985 is for quashing an order dated 15.11.86 contained in Annexure-I terminating the services of the ^{applicant} as Casual Labour on the ground that his Casual Labour card was found to be forged.

2. The applicant was employed as Casual Khalasi on 23.8.82. It appears that during the period when the applicant was employed, fresh Casual Khalasis were not being appointed and that only those persons were being employed who had worked as Khalasis some time prior to 1.8.78. The Casual Labourers were given Casual Labour Cards in which the period during which they worked from time to time used to be recorded.

3. The impugned order, Annexure-I mentions that on verification of the applicant's Casual Labour Card by the concerned Forman, it was found that the Casual Labour Card had not been issued by the concerned Workshop

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nor the applicant had worked in the year 1978. The Casual Labour Card therefore was considered to be forged and consequently the applicant was informed that his services would stand terminated on the expiry of fifteen days of receipt of the notice.

4. The applicant's grievance is that for the purposes of ascertaining whether the applicant's Casual Labour Card was genuine or not no opportunity had been given to the applicant to show cause. This fact is not disputed by the opposite parties.

5. The matters regarding termination of services of Casual Labour on the ground that the erstwhile Casual Labour Cards were forged or bogus has received the attention of this Tribunal in several cases and the view taken is that having regard to the principles of natural justice it was not ^{permissible} for the opposite parties to record a finding that the applicant's Casual Labour Card was forged or bogus without giving an opportunity of being heard. That view is equally applicable to the present case and therefore the application should succeed in that light.

6. The application is allowed and the impugned order of termination contained in Annexure-I dated 15.11.86 is quashed. The applicant is directed to be reinstated within one month from the date of receipt of a copy of this judgement. The applicant shall be paid wages from the date of reinstatement and shall not

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be paid any back wages. It shall be open to the opposite parties to institute a proper enquiry into the genuineness or otherwise of the applicant's Casual Labour Card after giving reasonable opportunity to the applicant in the matter. Parties shall bear their costs.

[Handwritten Signature]
Member (A)

[Handwritten Signature]
Vice Chairman

Dated the 16th Feb., 1990.
RKM