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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH.

Registration O.A. No. 823 of 1987

Irfan Khan ... ... ... Petitioner/  
Applicant.

Versus

Union of India  
and another ... Respondent.

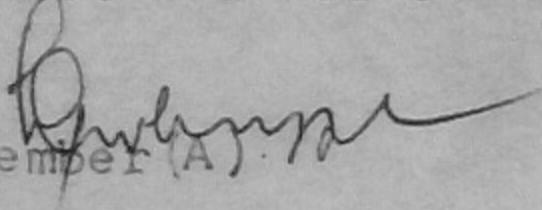
Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

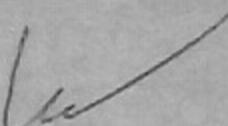
( By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was a Casual Labour' working in the Central Railway at Agra. The applicant who was continuously working has attained a temporary status. The applicant was working in the Railway since 6.5.1981 i.e. more than 120 days but he has not been given temporary status by the respondents. The grievance of the applicant is that while other persons have been screened but he was not screened and his services have been orally terminated. In the counter affidavit the respondents have pointed out that the applicant has beaten again another employee and after taking the enquiry, it was found that he infact was guilty and that is why his services were terminated. For the first time in the rejoinder affidavit the applicant has stated that the enquiry which has taken place was behind the back of the applicant and no notice was sent to the applicant for the same. The applicant was not a regular employee but he has attained the temporary status and it is difficult to accept that he was not aware of the enquiry

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at all or the termination order. It is for the misconduct, the departmental authorities were bound to hold an enquiry against the applicant and the documents which have been produced before us shows that enquiry was held. ~~Merely because~~ <sup>from</sup> of the documents it is clear that the applicant was aware about the enquiry and his presence was noted, so there is no question of not giving him an opportunity. Thus the services of the applicant have been rightly terminated on the charges of mis-conduct. The application has got no merit and accordingly, it is dismissed. However, it is open for the department to consider the case of the applicant for re-employment taking into consideration his past services and his status.

  
Member (A)

  
Vice-Chairman

Dated: 27.7.1992

(n.u.)