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Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.875 of 1987

Abdul Salim Applicant

Versus

Union of India through
Divisional Sig.Telem. Engineer
Railway Electrification Jhansi. Opposite Party.

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 a direction to quash an order dated 10.9.87 by which the applicant's services as Casual Khalasi had been terminated.

2. The applicant's grievance is that he had been working as Casual Khalasi since some time in 1986, but was discharged from service by the impugned order dated 10.9.87, Annexure-I without any opportunity to show cause.

3. The case of the opposite party, according to the counter, is that the service Labour Card/ of the applicant/ was got checked and verified and it was found on such verification after enquiry that the service card was bogus and that the applicant had never been given any employment.

4. Annexure-RII is the report of enquiry made by the competent authority. This report simply says that the service card of the applicants were being returned

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with the remarks that "neither the service card have been issued by this office nor they have worked under this unit please."

5. There is nothing in Annexure-R.II to show that the applicant had been called upon to meet the objection that the service card on the basis of which he claims to have been employed was not genuine. The statement in the counter that on enquiry being made the service card was found to be forged does not proceed to say that the applicant was called upon to face the enquiry or to take part in the proceedings in which the genuineness of the card was examined. In the circumstances, the order of cancellation of the service card suffers from the vice of failure to abide by the principles of natural justice and therefore the termination of service must be held to be invalid.

6. In the result, the impugned termination order dated 10.9.87 contained in Annexure-I is quashed. The opposite party shall reinstate the applicant within a period of one month from the date of receipt of a copy of this order; it will be open to the opposite party to hold an enquiry afresh into the allegation of the service card being forged and to give an opportunity to the applicant for the purposes of holding that enquiry. The applicant shall be given wages from the date of reinstatement. The applicant shall not get any back wages.

L. Mahay
Member (A)

R
Vice Chairman

Dated the 5th Feb., 1990.

RKM