

(11) (A2)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH- ALLAHABAD.

O.A. NO. 949 of 1987.

Jagdish Singh..... Applicant.

Versus

Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava- V.C.

Hon'ble Mr. K. Dabraya -A.M.

(BY Hon'ble Mr. Justice U.C. Srivastava-V.C.)

The applicant ~~was~~ working as Casual Labour in the Railway Administration has come before this Tribunal against the termination order.

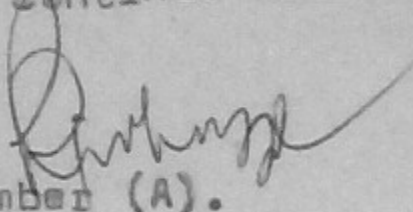
2. According to the applicant he was taken as Casual Labour in the month of September, 1982 and was appointed as Regular Khallasi on 1.5.83 and since then he was working regularly till he was not allowed duty vide letter dated 20.11.84, 12.12.84 and 31.12.84 and 15.3.85, even though he did <sup>not</sup> violate any service condition. All his requests and representations brought no result and i.e. why he has challenged the order dated 23.3.85 and 27.12.84 putting an end <sup>to his</sup> service <sup>which</sup> was not given back to him. According to the respondents the record shows that in all he worked for 74 days between June and October, 1983 and as such he has not attained temporary status. The respondents have denied any Identity Card was issued to the applicant as has been stated by the applicant. According to the respondents the applicant has committed a fraud as per record maintained. He has applied for issue of Identity Card through an application without endorsing any date and the Card was issued to him under the signatures on Identity Card Register. Thus according to the respondent he got forged and fake <sup>identity</sup> card and trying to take benefit of the same this was detected. Thus the facts as stated above indicates that although he was a Casual Labour, but it was detected that he was in possession of fake <sup>identity</sup> card on the basis of which he became a Casual Labour i.e. why he was not allowed to do the work. It is not necessary to decide the same which otherwise cannot <sup>be</sup> decided in the absence of the record. As the main base for allowing the applicant ~~not~~

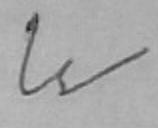


12

A2  
2

not to work was the use of fake identity card. It was but necessary that atleast he should have been given to him a hearing which can be done even now. In case the applicant is interested in becoming Casual Labour again, he may approach the respondents with an application within 15 days who within one month of the receipt of his application, give him a notice calling upon him to explain as to why he used faked card. In case it is found that applicant did not prepare a faked card, the respondents may give him employment again or continue his employment without any back wages.

  
Member (A).  
Dt: Oct 13, 1992.  
(DPS)

  
Vice Chairman.