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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No. 101 of 1987

Mushtaq Applicant.

Versus

Union of India & others Respondents.

Hon'ble S. Zaheer Hasan, V.C.

Hon'ble D.S. Misra, A.M.

(Delivered by Hon. S. Zaheer Hasan, V.C.)

This is an application under Section 19 of the Administrative Tribunals Act XIII of 1985 for quashing the notice dated 28.1.1987. The applicant is said to have been appointed as M.R.C.L. in the Diesel Loco Shed, Central Railways, Jhansi, but they were taking the work of Truck Driver from him. On 28.1.1987 the applicant received a notice intimating that his services would be terminated after expiry of 15 days from the date of receipt of the notice on the ground that he obtained appointment with the help of forged card. According to the applicant the order of termination is illegal.

2. The respondents issued a notice Annexure 'I' stating that his service card was found forged, so his services would stand terminated after expiry of 15 days. The applicant does not know what was the exact allegation regarding the alleged forgery. He was not delivered the material on the basis of which this finding of forgery was arrived at. He was not given a reasonable opportunity to collect such material and to place his own views or lead evidence. The authorities did not arrived at a

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fare and just decision supported by reasons expressed in a speaking order after hearing the applicant. The guidelines dated 13.12.1986 direct^m that show-cause notice should be issued as per proforma and on receipt of explanation and other evidence they should be considered by the competent authority giving reasons of termination of service in a speaking order. These guidelines are based on principles of natural justice. From the above it appears that the rules of natural justice as well as the guidelines dated 13.12.1986 were violated.

3. We have quashed similar orders in various cases decided by this Bench recently and the reasons given therein need not be detailed here. Since the guidelines dated 13.12.1986 and the principles of natural justice were violated, so the impugned order of termination is quashed. The competent authority will be at liberty to proceed against the applicant according to law. Parties will bear their own costs.

Sharma
26.2.88

Member (A).

[Signature]

Vice-Chairman.

Dated: February 26, 1988.

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