

(b) (24/7)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

.....

Registration O.A. No.1154 of 1987

Vinod Kumar Verma Petitioner

vs

Union of India and ~~another~~ ... Respondents

Hon' Mr Justice Kamleshwar Nath, V.C.

Hon' Mr K.J. Raman, Member (A)

This application under section 19 of the Administrative Tribunals' Act No.XIII of 1985 is for setting aside oral orders by which, the applicant was removed from service with effect from 7-7-1986.

2. The applicant was working as a casual labour with the respondents which he claims to have commenced from 6-4-1982. He also claims to have acquired the status of temporary railway servant. However, he was served with an order dated 15-12-1986 (Annexure-1 to the written reply of the respondents) stating that the casual labour card on the basis of which he was engaged by the respondents, was found on an inquiry to be forged and bogus. He was not required to show cause ~~within 15 days~~ as to why his services may not be terminated. ~~for the reasons~~. The applicant's grievance is that he made representations dated 01-5-1986 (Annexure-A-1) and dated 17-7-86 (Annexure-A-II) for regularisation of his services, but, instead of passing final orders, he was simply put off the job w.e.f. 7-7-1986.

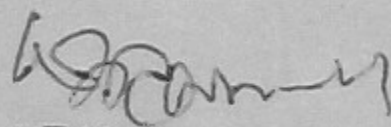
3. The counter has been filed. Shri V.K. Goel, learned counsel makes appearance to contest the matter.

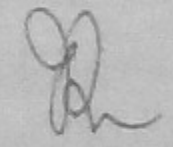
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He is unable to state whether or not an inquiry on the basis of show cause notice (Annexure-CA-1) was actually conducted. The fact remains undisputed that the applicant has been out of employment since 7-7-1986.

4. Since the respondents are unable to disclose whether or not the inquiry was actually conducted, we must hold that they have not held any inquiry. That being so, the respondents putting the applicant off the job, is in violation of principle of natural justice and cannot be sustained. Even so, it should be open to the respondents to hold a proper inquiry if they so like.

5. The application is allowed. The impugned order dated 15.12.86 is quashed and the respondents are directed to reinstate the applicant within a period of one month from the date of receipt of a copy of this judgment without payment of back wages. It will be open to the respondents to hold a proper inquiry in the matter of forged casual labour card and pass suitable orders there in. The application is disposed of accordingly with no order as to costs.


MEMBER (A)


VICE CHAIRMAN

(sns)

August 7, 1990.

Allahabad.