

(73/1) (9)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A.No.116 of 1987.

Dinesh PalApplicant.

Versus

Executive Engineer (Construction) C.Rly.
Agra Cantt, & othersRespondents.

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

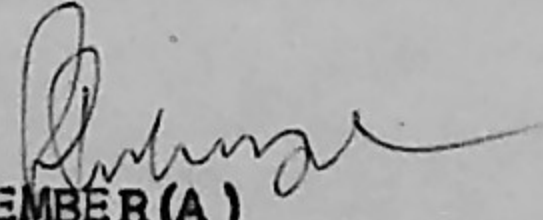
Hon'ble Mr. K. Obayya, A.M.


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

The applicant was appointed as Khalasi in the Central Railway on 19.3.84 and because of continuous working, he attained temporary status. According to the applicant, his brother-in-law, who is working under Executive Engineer-respondent no.1, was in bad terms with the applicant, that is why a notice dated 3.10.86 was issued to him regarding his service-book. The applicant denied the correctness of the contents of the said notice and requested for relevant documents to give a full and proper reply to the said notice. Another letter was sent to the applicant threatening him for taking action against him without supplying the documents asked for and without having full and proper reply. The applicant thereafter served a legal notice but the respondents in their reply reiterated threatening of action against the applicant and without giving any document or without appointing any Enquiry Officer and without calling the applicant for the enquiry or without examining any witness, an order was passed on 20.1.87 terminating the services of the applicant.

2. The respondents have reiterated the allegations and have pointed out in their reply

that the applicant got service on the basis of fake labour card, that is why a notice was given to him and an enquiry was got made at their end and after enquiry, it was found that he got service on the basis of fake labour card and that is why his services were terminated. As the applicant had attained the temporary status, the benefit of Article 311 of the Constitution of India was available to him. In case, the applicant's service was going to be terminated on the basis of fake labour card, obviously an enquiry could have been made in accordance with law but the same was not done. In these circumstances, the order dated 20.1.87 is liable to be quashed and the same is quashed and the applicant shall be deemed to be continuing in service. However, it will be open for the respondents to hold an enquiry in accordance with law and thereafter pass the consequential order. As the applicant is also responsible, he will not be entitled for any back wages from the date of termination upto this date. With these observations, the application stands disposed of. No order as to costs.


MEMBER(A)


VICE CHAIRMAN.

DATED : NOVEMBER 5, 1992.

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