

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIABARAD BENCH.

Registration O.A. No. 192 of 1983

Sugriv Singh

... ... ... Applicant.

Versus

Union of India  
and others

... ... ... Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, VC)

Initially the applicant was appointed as Khalasi in the Central Railway in the construction Department on 22.10.1984. It appears that some report was received against the applicant on the basis of which the Assistant Engineer, Construction issued a letter on 23.3.1987 stating that the service card of the applicant is neither printed by the Railway Administration nor it was issued by the Railway Administration and the matter was also referred to the finger print expert who has informed that the service card of the applicant was checked by him and it was not printed by the Railway Administration and on the basis of the report of the finger print expert without making any enquiry, the applicant's services were terminated. It may be mentioned that earlier notices which have been issued to the applicant in this behalf were cancelled but on the 3rd notice, his services were terminated. The applicant has continued to work on the basis of the interim order passed by this Hon'ble court. As the applicant has worked for a considerable period, obviously, by operation of law, he has attained a temporary status

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and having attained a temporary status, his services could not have been terminated without holding any enquiry as his termination order is by way of punishment, in view of the allegation that he obtained the service by using a fictitious card which has never been issued by the Railway Administration.

2. Accordingly, this application is allowed and the order dated 18.1.1988 terminating the services of the applicant is quashed. However, it will be open for the respondents to hold the enquiry in the matter associating the applicant with the same and thereafter pass a necessary order in accordance with law. Let the enquiry be concluded within a period of 3 months from the date of communication of this order in accordance with law. No order as to the costs.

*D. Prabhakar*  
Member (A)

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Vice-Chairman

Dated: 13.10.1992

(n.u.)