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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

O.A.No.242 of 1988.

Suresh Chandra.....Applicant

Versus

Union of India & othersRespondents.

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

Hon'ble Mr. A.B. Gorthi, A.M.

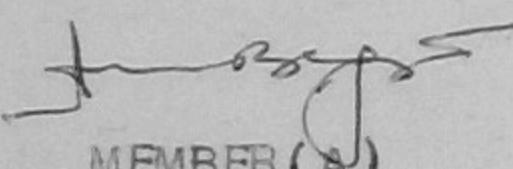
(By Hon'ble Mr. Justice U.C.Srivastava, V.C.)

The applicant was engaged as Casual Labourer by the Railway Administration and he worked upto 17.9.86. Thereafter, he was not allowed to do the work. According to the applicant, he worked for 90 days from 1.4.77 to 15.11.77, 62 days from 1.3.85 to 30.4.85, 12 days from 20.12.85 to 31.12.85, 49 days from 1.1.86 to 18.2.86, 70 days from 19.2.86 to 30.4.86, 106 days from 1.5.86 to 14.8.86 and 33 days from 15.8.86 to 16.9.86. According to the applicant, he worked for 483 days and some of the period was not shown in the card. Thus, the applicant has worked for more than 120 days and has attained the temporary status. The applicant's services have been terminated without holding an enquiry and the salary was not paid to him although efforts were made for the same. The persons who are juniors to him, have been allowed to do the work and they have been regularised.

2. The respondents have resisted the claim of the applicant stating that the applicant has not worked for 483 days and on the basis of forged card he managed to enter the services of the Railway Administration. If the applicant had

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worked for more than 120 days, he could have attained the temporary status and the services of a temporary employee could have been terminated only after holding an enquiry. In the instant case, admittedly his termination from service was by way of punishment. Accordingly, the application is allowed and the termination order, if any, is quashed. However, it will be open for the respondents to hold an enquiry against the applicant whether he used a forged card or not. The enquiry may be concluded within a period of three months from the date of communication of this order. In case it is found that the applicant has used a forged card, his services will have to be terminated. In case, it is found that he did not use the forged card, he will be restored back in service. In case, it is found that the applicant worked for 120 days, he will be deemed to be in continuing service from the date of his termination but he will not be allowed to get any back wages. No order as to costs.


MEMBER(A)


VICE CHAIRMAN.

DATED: 29.6.1992
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