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(5)
Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No. 247 of 1988.

Ashok Kumar

....

Applicant.

Versus

Union of India & another

....

Respondents.

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

This application, under Section 19 of the Administrative Tribunals Act, 1985, is for issue of a direction to the respondents not to terminate the employment of the applicant on the basis of the impugned order dated 20.2.1988 (Annexure 'A' to the application) informing the applicant that on the expiry of 15 days his services would stand terminated. The reason assigned in the impugned order is that his Casual Labour Service Card No. 235151, allegedly issued by the PWI, Mathura, was got verified and it was found that the said Card was forged.

2. The short ground of challenge by the applicant is that the applicant had not given a reasonable opportunity to show-cause before the respondents held that the applicant's Casual Labour Card was forged.

3. Despite repeated notices to the respondents, no counter affidavit has been filed and, therefore, orders were passed on 11.5.1988 that the case would proceed and would be disposed of ex parte. No appearance has been made even now.

4. A similar situation figured before this Tribunal in O.A. No.875 of 1987 (Abdul Salim v. Union of India) in which the effect of failure to hold an enquiry was considered for the reasons recorded

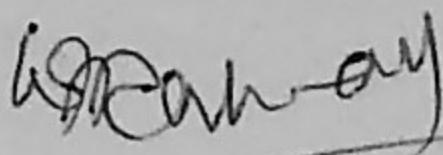
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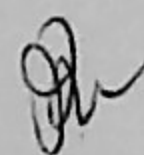
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in that judgment. We, therefore, quash the impugned termination order dated 20.2.1988 (Annexure 'A' to this application) and we direct that the respondents shall reinstate the applicant within a period of one month from the date of receipt of the certified copy of this judgment. It would be open to the respondents to hold an enquiry afresh into the allegation of the Service Card being forged and to give an opportunity to the applicant for the purposes of holding that enquiry. The applicant shall be given wages from the date of reinstatement; he shall not get any back wages. The application is accordingly allowed. There will be no order as to costs.



MEMBER (A).



VICE-CHAIRMAN.

Dated: February 6, 1990.

PG.