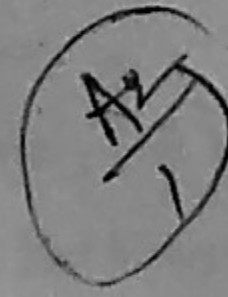


CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

O.A. 419/88

D.S.Singh

Applicant



versus

Union of India & others

Respondents.

Hon. Mr. Justice U. C. Srivastava, V.C.  
Hon. Mr. A.B. Gorthi, Adm. Member.

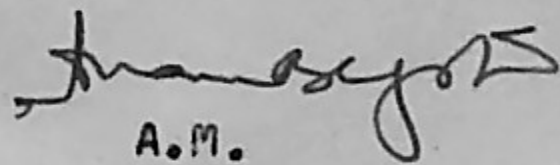
(Hon. Mr. Justice U.C. Srivastava, V.C.)

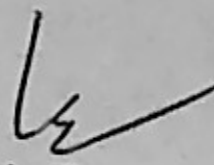
The applicant who was employed as casual labour by the respondents in the Mechanical Engineering office of the Railways, initially in the year 1974, was engaged again and again as such in various departments. ~~On~~ ~~22.4.87~~ The applicant applied for the post of Substitute Engine Cleaner and after passing the suitability test and medical examination he was appointed as Substitute Engine Cleaner w.e.f. 3.6.85. On 29.4.87 he was served with a charge sheet levelling the charge that for getting employment he had filed a forged certificate. The enquiry proceeded. The petitioner contends that the charge was not accompanied alongwith relied upon documents; the petitioner also made representation. The enquiry officer submitted his report, although the applicant states that the copy of the enquiry report was not given to him. The applicant made representation on 12.6.87 ~~But~~ <sup>vide</sup> order dated 15.6.87 he was removed from service ~~vide~~. A perusal of the order indicates that the applicant's representation dated 12.6.87 was not considered and the pleas raised before the appellate authority were also overlooked<sup>k</sup> and he passed a non-speaking order and without deciding the applicant's

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representation against the enquiry report and non consideration of the same vitiates the proceedings, as the same are violative of principles of natural justice and removal order 15.6.87 and the appellate order dated 4.12.87 are quashed and the applicant will be deemed to be in service. It is made clear that it will not preclude the disciplinary authority to initiate enquiry from the date of filing the representation, taking into consideration the plea and pass order in accordance with law.

  
A.M.

  
V.C.

Allahabad Dated: 11.9.91