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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

...

Registration O.A. No. 591 of 1988

Suresh Chandra

...

Applicant

vs

Union of India and others ...

Respondents

Hon' Mr Justice Kamleshwar Nath, V.C.

Hon' Mr K.J. Raman, A.M.

This application under section 19 of the Administrative Tribunals' Act No.XIII of 1985, is for quashing an order dated 17-11-86 (Annexure-A-2) whereby the applicant's services were terminated w.e.f. 02-12-1986.

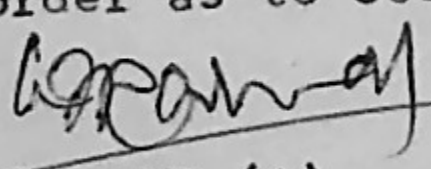
2. The short case of the applicant is that he has been working as a 'Khalasi' and has acquired the status of temporary railway servant, in accordance with para 2511(a) of the Indian Railway Establishment Manual, but, his services has been terminated without any opportunity.

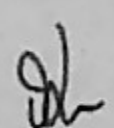
3. The case of the respondents is that the applicant had been given employment as a 'Khalasi' on 19-7-85 on the basis of his casual labour card No. 277673 which on inquiry by the I.O.W. of Allahabad was found to be fake and due to this reason, the applicant's services were terminated by the impugned order dated 17-11-1986 (Annexure-A-2). Rejoinder has not been filed. Even so, we are of the opinion that the applicant's services were sought to be terminated on account of his casual labour card being considered to be fake, he should have been given opportunity to show cause against the allegation.

4. The learned counsel for the respondents Sri V.K.Goel,

says that the application is barred by time because the services were terminated w.e.f. 02-12-1986, while the application is filed under section 19 of the Administrative Tribunals' Act, 1985, on 11-5-1988. It appears that the applicant has filed a representation against the impugned termination order. We feel that having regard to the nature of dispute and the failure of the principle of natural justice on the part of the respondents, we must not throw out the application only on the ground of delay.

5. The application is allowed and the impugned order of termination dated 02-12-1986 (Annexure-A-2) is quashed. The respondents will reinstate the applicant within a period of one month from the date of receipt of a copy of the judgment without payment of back wages. It will be open to the respondents to hold a proper inquiry regarding issue of fake casual labour card and pass suitable orders, if considered necessary. The application is disposed of accordingly with no order as to costs.


MEMBER (A)


VICE CHAIRMAN

(sns)

August 3, 1990.

Allahabad.