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Central Administrative Tribunal
Allahabad Bench

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Registration O.A. No.592 of 1988

Jameel Khan ... Applicant

vs

Union of India and others ... Respondents

Hon' Mr Justice Kamleshwar Nath, V.C.

Hon' Mr K.J. Raman, Member Administrative

This application under section 19 of the Administrative Tribunals' Act No.XIII of 1985, is for quashing an order dated 28-10-1986(Annexure-A-II) whereby the applicant's services were terminated w.e.f. 13-11-1986.

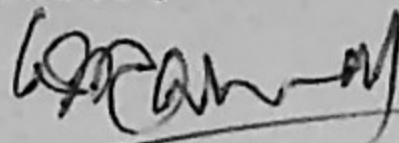
2. The applicant was employed as a casual labour on the basis of a casual labour card bearing no.130226 purporting to have been issued by P.W.I. 'C' of Faridabad. The department, however, made an inquiry into the genuineness of the card and found it to be fake. For that reason, the applicant's services were terminated by the impugned order.

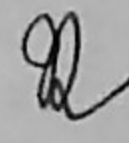
3. This is the very basis of the termination as set out in the counter reply of the respondents. The allegation in the application further is that by working as casual labour, he had acquired the status of a temporary railway servant. Be that as it may, we find that the respondents did not give opportunity to the applicant to meet the allegation whether or not the applicant's casual labour card was fake. In ⁿnumber of cases, this Bench of the Tribunal has ^htaken the view that services could not be terminated only on the basis of an investigation by some employee of the

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railway into the genuineness of the casual labour card without giving opportunity to the casual labour as a measure of natural justice. This Tribunal in such cases has quashed the orders of termination, and has ordered reinstatement without back wages and has left it open to the department to hold an inquiry, if the department so desires.

4. The petition is allowed and the impugned termination order dated 28-10-1986 (Annexure-A-II) is quashed. The respondents are directed to reinstate the applicant within a period of one month from the date of receipt of a copy of this judgment without payment of back wages. It will be open to the respondents to hold a departmental inquiry, if they so like, after giving reasonable opportunity to the applicant. The application is disposed of accordingly with no order as to costs.


MEMBER (A)


VICE CHAIRMAN

(sns)

August 3, 1990.

Allahabad.