

(4)

(84)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

....

Registration O.A. No. 744 of 1988

Shiv Kumar

...

Applicant

vs

Union of India and another ...

Respondents

Hon' Mr Justice Kamleshwar Nath, V.C.

Hon' Mr K.J. Raman, Member (A)

This application under section 19 of the Administrative Tribunals' Act No.XIII of 1985, is for setting aside oral orders by which, he was removed from service with effect from 18-5-87.

2. The applicant was working as a casual labour with the respondents which he claims to have commenced from 27-12-1985. He also claims to have acquired the status of temporary railway servant. However, he was served with a notice dated 1-5-1987(Annexure-A-2) stating that the casual labour card on the basis of which he was engaged by the respondents was found on an inquiry to be forged and bogus. He was required to show cause within 15 days as to why his services may not be terminated for that reason. The applicant's grievance is that he made representation dated 11-5-1987 (Annexure-A-3), but, instead of passing final orders of termination, he was simply put off w.e.f. 18-5-1987 in respect of which also he had made a separate application dated 20-5-1987 (Annexure-A-4).

3. The counter has not been filed, but, the learned counsel for the respondents Shri V.K. Goel, has made appearance to contest the matter. He is unable to state whether or not the inquiry on the basis of show cause notice (Annexure-A-2) was actually conducted.

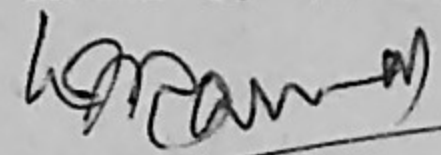
9

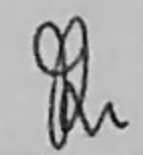
The fact remains undisputed that the applicant has been out of employment since 18-5-1987.

4. Since the respondents have not filed any counter, we must hold that they have not held any inquiry.

That being so, the respondents putting the applicant off the job is in violation of principle of natural justice and cannot be sustained. Even so, it should be open to the respondents to hold a proper inquiry, if they so like.

5. The application is allowed and 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 proper inquiry in the matter of forged casual labour card and pass suitable orders there in. The application is disposed of accordingly with no order as to costs.


MEMBER (A)


VICE CHAIRMAN

(sns)

August 3, 1990.

Allahabad.