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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BNEHC.

....

Registration O.A. No. 754 of 1988

Babu Lal Petitioner.

Versus

The Divisional Railway Manager,
Jhansi and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicant was initially engaged in the Railways as Casual Labour on 11.3.1982 and he continued to work upto 18.5.1987. The applicant thus completed 120 days of working and attained 'Temporary Status' under Rule-301 of the Indian Railway Establishment Manual. The applicant's services were terminated vide impugned order dt. 1.5.1987 and that is why he has approached to this Tribunal in the month of July, 1988. Although, the written statement has not been filed in this case but ~~the~~ the impugned order, itself indicates that the applicant's services have been terminated as his service card was found ^{to be} forged and bogus. The applicant having attained a temporary status, his services could not have been terminated on the ground that the service ^{card} which is filed by him was forged one, and this could have been done only after holding the departmental enquiry associating the applicant with the same and according to the Art. 311 of the Constitution of India. As the same was not done, the termination order deserves to be quashed and the applicant will be deemed to be continued in service and the respondents are directed to take him back in service without delay. It will ^{be} open for the respondents to hold an enquiry in the matter after giving an opportunity of hearing to the applicant. In view of the fact that the

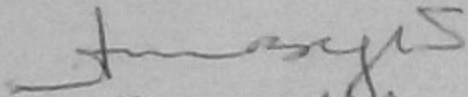
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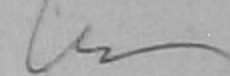
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applicant has not done any work, the applicant will not be entitled to any salary from the date his services were terminated upto the period of 2 months from today and in case, thereafter, the applicant will not be taken back in service by the department, the applicant will be entitled to get salary regularly and the respondents will give the same to the applicant. The application is disposed of with the above observations. Parties to bear their own costs.


Member(A)


Vice-Chairman

Dated: 16.1.1992

(n.u.)