

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALIAHABAD BENCH

....

Registration O.A. 1059 of 1988

Rahmat Ali ..... Applicant

versus

Union of India and ors... Respondents

Hon' D.K. Agrawal, J.M.

Hon' A.B. Gorthi, A.M.

(By Hon' D.K. Agrawal, J.M.)

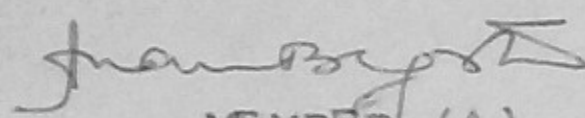
This application under section 19 of the Administrative Tribunals' Act, 1985, is directed against an order dated 18-8-1988 as contained in Annexure-9 to the claim petition whereby notice was served on the applicant proposing the termination of his service w.e.f. 18-9-88. The applicant rushed to the Tribunal and obtained stay order on 16-9-88 to the effect that he shall continue in service. Therefore, he is continuing in service. The allegation on behalf of the applicant is that he is in service in Railway Administration since 23-11-1984. The basis on which the impugned order contained in Annexure-9 (supra) was passed is that the applicant was not found in possession of a properly printed service card. The material question, however, is whether the entries contained in the service card are or are not correct. In case the entries are found to be incorrect, an opportunity has to be afforded to the applicant before passing the order of termination by way of punishment. It is settled position that an order <sup>visited</sup> ~~vested~~ with civil consequences cannot be passed without an opportunity, to the <sup>affected</sup> ~~effective~~ person. In the instant

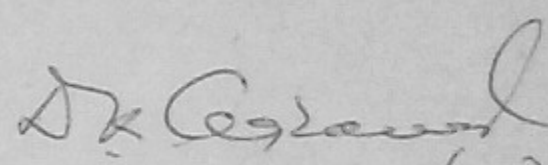
*D.K. Agrawal*



case an inquiry is said to <sup>have been</sup> made on the back of the applicant. In case the competent authority is of the opinion that the applicant has committed some mis-conduct for which punishment by way of termination is required to be inflicted on him, the proper course would be to initiate proceeding under the Railway Servant (Discipline and Appeal) Rules, 1968, as warranted by rules and thereafter inflict the punishment of termination of service.

2. In view of the above, we hereby quash the impugned notice <sup>of</sup> 18-8-1988, threatening to terminate the services of the applicant. However, the competent authority will be at liberty to initiate disciplinary proceeding against the applicant as observed above in the body of the judgment. Parties shall bear their own costs.

  
MEMBER (A)

  
MEMBER (J) 6.2.91.

(sns)

February 6, 1991.

Allahabad.