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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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....
Registration O.A. No. 59 of 1989

Dudh Nath and another Applicants.

Versus

The Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

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

The applicants were engaged as 'Casual Labour' on 2.9.1987 and 5.10.1987. Their services were abruptly terminated on 24.3.1988. As there is some variation of the dates of appointment of the applicants as has been stated by the respondents in their counter affidavit, but even then from the records, it appears that they have served more than 4 months. It appears that a vigilance enquiry has been made and it was found that some Headclerk has taken money from various persons and issued appointment letters and on the basis of the appointment letters, the appointments were made. The applicants have denied the said assertion and they have said that no enquiry, whatsoever, has been made and they have not been given any opportunity to dispute this charge against him. Thus, according to them, their services have been terminated because of a particular charge against him and in respect of which no enquiry was held and no opportunity, whatsoever, has been given to the applicants to refute the same. The learned counsel for the respondents has placed reliance on our judgment dated 28.11.1991 in O.A. No. 487 of 1989 and has pleaded that of course, the same relief can be granted to the applicants, in which we have said that the applicants have been thrown out from service without

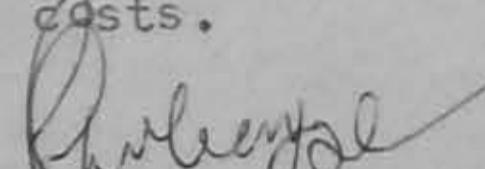
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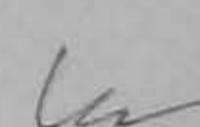
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any fault on their part and the respondents will consider his case for re-appointment in case there is no fault on their part. But there is some change in this case, because in that case the applicant did not complete 4 months service, but here in this case, they have completed 4 months service and had attained the temporary status.

2. The contention on behalf of the respondents is equally correct. The applicants were working fraudulently, and the same is discovered and latter on, the temporary status will not be available to them. In this case, it is found that the applicants have no option but to succumb to the pressure which accrued upon them, by the headclerk of the office. The applicants will be restored back in the service. The applicants' case shall be considered for reappointment as the case of the other applicants has already been considered earlier.

3. Accordingly, the termination order of the applicants will be deemed to have been cancelled and the applicants will be reinstated back in the service. The application is disposed of with the above observations. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 24.4.1992

(n.u.)