

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 2nd DAY OF AUGUST, 2000

Original Application No. 1235 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.BISWAS, MEMBER(A)

Mohd.Ishak, son of Mohd.Ibrahim,
Casual Labour, Mahoba Railway Station,
Central railway Division, Jhansi, resident of Railway
Station, Mahoba, Bazaria, District Hamirpur(UP)

... Applicant

(By Adv: Shri H.S.Mishra)

Versus

1. Union of India, Ministry of Railways
through its Secretary, New Delhi.
2. Divisional Manager, Railways,
Central Railway, Jhansi Division, Jhansi
3. Station Superintendent, mahoba
Railway Station, District Hamirpur.
4. Shri L.L.Ahirwar, Transportation
Inspector(T.I), Mahoba Railway
Station, Central Railway, District
Hamirpur.

... Respondents

(By Adv: Shri A.V.Srivastava)

O R D E R(Oral)

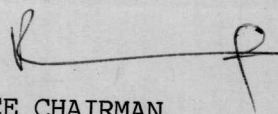
(By Hon.Mr.Justice R.R.K.Trivedi, V.C.)

This application Under Section 19 of the Administrative Tribunals Act, 1985 has been filed for the relief that the respondents be directed to take the applicant in service as class iv employee in the department of Railways. It has also been prayed that the respondents may be directed to pay wages of the applicant and arrears from 20.12.1989 on which date he was illegally retrenched from service. Applicant claims that he was appointed as casual labour on 3.4.1980. He was issued a Casual Labour card, a photocopy of which has been filed as (Annexure 1). In Counter affidavit however, the case set up by the respondents is that the Casual labour Card No.132980 filed as (Annexure 1) is a fake document as advised by the Permanent Way Inspector, Mahoba vide his letter No.S-3/487 dated

29.10.1992. In para 5(b) of the counter affidavit it has been alleged that applicant left the work on his own accord from 20.12.1989. Applicant in Rejoinder affidavit filed ~~a~~ letter, the copy of the letter dated 21.8.92 which shows that the applicant was appointed by the then S.S., Shri R.N. Mishra on 1.4.1986. He was terminated from the work by the Divisional Safety Officer, Jhansi vide his letter dated 19.12.1989. Thus, from the perusal of the entire record it appears that the respondents were taking inconsistent stand with regard to employment and termination of employment of the applicant. The date of appointment and card number have been mentioned in the letter dated 21.8.1992. It has not been said therein that the Casual Labour Card possessed by the applicant was forged. The alleged letter of Permanent Way inspector dated 19.12.1992 was issued much thereafter. In our considered opinion in these facts and circumstances before holding that the Casual labour Service Card of the applicant is fake, he ought to have been given opportunity of hearing which has not been done in the present case. It does not appear that applicant had voluntarily left the work. He was not allowed to work on the basis of the letter dated 19.12.1989 of the Divisional Safety Officer.

For the reasons stated above, this application is disposed of finally with the direction to respondent no.2 to look into the claim of the applicant himself and pass a reasoned order within a period of three months from the date a copy of this order is filed before him. No order as to costs.

S. D. Sinha
MEMBER(A)


VICE CHAIRMAN

Dated: 2nd August, 2000

Uv/