

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

CIRCUIT SITTING AT MAINITAL

THIS THE 22nd DAY OF OCTOBER, 2002

Original Application No. 37 of 2002

CORAM:

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

HON. MAJ. GEN. K.K. SRIVASTAVA, MEMBER (A)

Pawan Deep Kumar, son of late Rishal Singh
R/o village Majra, P.O. Majra, LBS Road,
Dehradun.

... Applicant

(By Adv: Shri K.C. Sinha)

Versus

1. Union of India through the
Secretary to the Govt. of India
Ministry of Science & Technology
Technology Bhawan, New Mehrauli
Road, New Delhi.
2. The Surveyor General of India,
Survey of India, Hathibarkala
Dehradun.
3. The Director Northern Circle
Survey of India, 17, E.C.Road
Dehradun.

... Respondents

(By Adv: Shri R.C. Joshi)

ORDER (Oral)

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

The applicant has approached this Tribunal by
filing this OA u/s 19 of A.T. Act 1985 and has challenged the
order dated 3.1.01 (Annexure A1) and order dated 11.12.01
(Annexure A-2) by which appeal of the applicant has been dis-
missed.

The facts of the case are that father of the applicant
late Sri Rishal Singh was serving as Assistant in Map
Publication, Survey of India at Dehradun. He died in harness
at Delhi where he was sent on temporary duty. After the
death of father applicant was given appointment under order
dated 24.1.00. The services of the applicant however,
were terminated by order dated 3.1.01 under sub rule(1) of
Rule 5 of Central Services (Temporary Service) Rules 1965.

Against the aforesaid order applicant filed appeal on 17.10.01 which has been dismissed by order dated 11.12.01 (Annexure 2). Aggrieved by the aforesaid two orders applicant has approached approached this Tribunal.

Shri K.C.Sinha learned counsel for the applicant has submitted that though in the impugned order dated 3.1.01 the reason for terminating the services of the applicant ~~as~~ has not been disclosed, but in the appellate order it has been stated that the appeal of the applicant cannot be accepted as he supplied incorrect informations in his attestation form. The learned counsel has submitted that such an order could not be passed ~~as~~ without affording opportunity of hearing to the applicant as the termination from service was not simplicitor but it was based on allegations. Learned counsel has placed reliance on the judgment of Allahabad High Court in case of 'Satish Kumar Shukla Vs Union of India and Others, 2002(1) LBESR-92(Alld)

Shri R.C.Joshi learned counsel for the respondents on the other hand, submitted that the applicant was involved in two criminal cases but he concealed this fact and did not disclose the fact in the attestation form, and the termination of the services is justified. However, learned counsel for the respondents could not satisfy us as to how this order could be passed without affording opportunity of hearing to the applicant. The legal position is well settled that an order entailing serious civil consequences cannot be ~~except~~ passed without affording opportunity of hearing to the person concerned. The Hon'ble High court in the aforesaid judgment in case of 'Satish Kumar Shukla(Supra) after referring various judgments of Hon'ble Supreme Court and other High courts held that the order terminating the petitioner's service without serving a show cause notice and giving him an opportunity of hearing cannot be justified. ^{Fix}



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The judgment is squarely applicable in the present case.
In the circumstances, the applicant is entitled for relief.

The OA is accordingly allowed. The order dated 3.1.01
~~and~~(Annexure A1) and order dated 11.12.01(Annexure A2) are
quashed. The applicant shall be reinstated in service. However
he will not be entitled for any back wages but the period of
absence will be reckoned for continuity of service. However,
it shall be open to the respondents to pass fresh order after
giving opportunity of hearing to the applicant. No order as
to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 22.10.02

UV/