

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

XXXXXX XXXX XXXX XXXX

(3)

O.A. No.  
TAX NO.

106

198 7

DATE OF DECISION

20.4.1990

A.K. Parmar

Petitioner

Mr. J.J. Yajnik

Advocate for the Petitioner(s)

Versus

Union of India &amp; Ors.

Respondent

Mr. J.D. Ajmera

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. N. Dharmadan .. .. .. Judicial Member

The Hon'ble Mr. M.M. Singh .. .. .. Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*

*by*

C.A. No. 106 of 1987

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A.K. Parmar,  
Casual Labour,  
39 Exchange, Ahmedabad.

.. Applicant

(Advocate-Mr. J.J. Yajnik)

Versus

1. Union of India,  
Through,  
Secretary,  
M Ministry of Telecom.  
New Delhi.

2. Asstt. General Manager (Admn),  
Ahmedabad Telecom District,  
Ramnivas Bldg.-II,  
Khanpur, Ahmedabad

3. Sub-Divisional Officer (Phones)  
39, Telephone Exchange,  
Ahmedabad Telephone,  
Ahmedabad.

.. Respondents

(Advocate-Mr. J.D. Ajmera )

CORAM : Hon'ble Mr. N. Dharmadan .. Judicial Member

Hon'ble Mr. M.M. Singh .. Administrative Member

O R D E R

Date : 20.4.1990

Per : Hon'ble Mr. N. Dharmadan .. Judicial Member

The applicant challenges Annexure 'A' and 'C' orders terminating his services in this application filed ~~by~~ under section 19 of the Administrative Tribunals Act, 1985.

2. According to the applicant he was a casual employee having 4 years service under the respondents showing and his services were terminated without/any reason and/or giving an opportunity of being heard. The order passed by the <sup>appellate</sup> authority, Annexure 'C' is also vitiated and liable to be quashed.

(B)

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3. The respondents have filed a detailed counter affidavit in which they have referred to certain defaulcation and the vigilance inquiry conducted in this behalf. In the inquiry, the applicant was also allowed sufficient opportunity.

4. We have heard arguments of the counsel appeared in this case on either side, and perused the records. The main point that is argued by the learned counsel for the applicant is that the order of termination Annexure 'A' is violative of principle of natural justice and ~~it~~ <sup>with</sup> visits civil consequences. Some infirmities are there as regard ~~to~~ the appellate order Annexure 'C'. This contention was answered by the learned counsel for the respondents by producing the files before us. He has submitted that in 1986 when there was an information with regard to the loss of the Government in the R.C.C. Pipe, the vigilance inquiry was ordered against the applicant and few other officers who were also involved in the matter. All the officers including the applicant ~~were~~ given notices and the applicant submitted in his reply dt.

23.4.1986 in which the stand taken by the applicant is that he was forced to obey superior officers and hence he is not guilty. However, we are not called upon to go through the <sup>same and check our list</sup> truth or otherwise of the statement. We are ~~not~~ satisfied on this <sup>of this case</sup> fact, that the order of the termination has been effected only after giving opportunity to the applicant. <sup>There was no</sup> ~~because~~ vigilance inquiry was held and he had been informed, no objection was filed by the applicant and thereafter the impugned <sup>that the applicant was guilty</sup> ~~order~~ <sup>His order is</sup> order was passed, ~~which~~ is not in violation of principle of natural justice. After perusing the records produced before us, we are fully satisfied that the order of termination is legal and valid.

②

Coram : Hon'ble Mr **S** Srinivasan .. Administrative Member  
Hon'ble Mr P M Joshi .. Judicial Member

15/6/1987

Mr JJ Yajnik learned advocate for the applicant and Mr PN Ajmera for Mr JD Ajmera for the respondent heard. Admitted. There is no interim prayer. Respondent to file their reply by 25th June, 1987. Registry to place the matter thereafter.

  
15/6  
(P Srinivasan)  
Administrative Member

  
(P M Joshi)  
Judicial Member