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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00307 of 2015
Cuttack, this the 10th day of June, 2015

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Susant Kumar Jena,
aged about 24 years,
S/o Prasanna Jena,
Presently working as East Coast Railway,
Helper/EL/Sambalpur Division, Sambalpur,
Presently resident of Kuhudi,
PS- Tangi, Dist- Khurda.

...Applicant

(Advocates: M/s. A.Kanungo, C. Nayak, D. Panigrahi)


VERSUS

Union of India Represented through its

1. General Manager,
East Coast Railway, Rail Sadan,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Chief Personal Officer,
East Coast Railway,
Chandrasekharpur,
Bhubaneswar, At/PO/Dist-Khurda.
3. Divisional Railway Manager(P),
East Coast Railway,
Sambalpur Division, Sambalpur.
4. Sr. Divisional Personal Officer,
East Coast Railway,
Sambalpur Division, Sambalpur.
At/PO/Dist- Sambalpur.
5. Sr. Divl. Electrical Engineer,
East Coast Railway,
Sambalpur Division, Sambalpur.
At/PO/Dist- Sambalpur.

(Advocate: Mr. T.Rath)

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... Respondents


ORDER (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr. A. Kanungo, Ld. Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. Applicant has approached this Tribunal challenging the show cause notice dated 28.05.2015 for termination of his services. In the show cause notice it has been mentioned that the applicant was appointed as a Helper under the Sports Quota. Subsequently, the Railway authorities sent for verification of ^{his} certificate to Examination Co-ordinator Hindi Sahitya Sannam, Allahabad on 04.11.2014 and the concerned authorities vide their letter dated 16.02.2015 communicated ^{to} the Respondents that the certificate obtained by the applicant from Hindi Sahitya Sannam, Allahabad. is a forged one. Therefore, on the basis of this information the Respondents have served a termination notice of 14 days in terms of para 301 (1) of IREM-I to the applicant giving him an opportunity of making a representation within the stipulated time of 14 days. Ld. Counsel for the applicant submitted that the ground of termination is arbitrary and illegal since the applicant was appointed on the basis of the certificate from Uchatar Madhyamik Siksha Mandal- Delhi and therefore, there is no scope for him to submit any other ~~certificates~~ ^{certificates} like a certificate from Hindi Sahitya Sannam, Allahabad. On this ground, therefore, the Ld. Counsel for the applicant has forcefully pleaded that the termination notice dated 28.05.2015 is liable to be quashed.

3. It is also seen from the record that the applicant after receiving the notice from the Respondents has made a representation in which he has taken the same ground that he had submitted only the certificate received by him from Uchatar Madhyamik Siksha Mandal- Delhi and not any other certificate from Hindi Sahitya

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Sammelan, Allahabad. This representation was made on 08.06.2015 addressed to the Sr. Divisional electrical Engineer (G), E.Co.Rly, Sambalpur, who is Respondent No.5, copy of which has been annexed at Annexure-A/7 in this O.A. Applicant's Counsel has also submitted that this representation has so far not been disposed of.

4. On the other hand, Mr. T. Rath, Ld. Standing Counsel for the Railways, submitted that the Railway authorities who have issued the termination notice are quite responsible and, therefore, they must have acted on the basis of the facts related to this case. According to him, the submission made by Ld. Counsel for the applicant is only presumptuous. He also has submitted that the applicant was issued with notice giving him duration of 14 days to make a representation, but, before completion of period of 14 days applicant has rushed to the Tribunal praying for relief and, therefore, the O.A. is too premature. Ld. Counsel for the applicant has made a further submission that the authorities should enquire fully into the points raised by the applicant in his representation before disposing of the same.


5. I have considered the submissions made by the both sides and perused the records. Since the order dated 28.05.2015 affords an opportunity of making a representation for the applicant within a stipulated time of 14 days it appears that the Respondents are conscious of following the principles of natural justice before taking any action prejudicial to the interest of the applicant. Therefore, they are also duty bound to dispose of the representation dated 08.06.2015 after making due inquiryⁱⁿ to the factual position and after giving reasonable opportunity to the applicant of being heard. Since the applicant has approached the Tribunal, at this stage, without going into the merits of the matter, I would direct Respondent No. 5 to consider all the points raised by the applicant in his representation dated 08.06.2015, if preferred and is pending, and take a considered decision after making due enquiry in accordance



with law and communicate the same to the applicant through a reasoned and speaking order. It is also directed that till the representation is disposed and decision thereon communicated to the applicant, no further action in pursuance of the show cause notice dated 28.05.2015 shall be taken by the Respondents.

6. With the aforesaid observation and direction this O.A. stands disposed of.

7. On the prayer made by Mr. Kanungo, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.5 by Speed Post for which he undertakes to file the postal requisites by 11.06.2015.


(R.C.MISRA)
MEMBER(Admn.)