

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

FREE COPY U/R 22
OF C.A.T. (PROCEDURE) RULES

OA No. 146 of 1995

OA No. 147 of 1995

OA No. 148 of 1995

Wednesday, this the 8th day of February, 1995

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

OA No. 146 of 1995

1. MJ Ammini,
D/o (late) James,
Casual Labourer,
Under the Permanent Way Inspector,
Southern Railway, Nagarcoil Junction
Residing at Poothara Veedu,
Sachivothamapuram PO, Kurichy,
Changanassery.

.. Applicant

By Advocate Mr. TC Govindaswamy

Vs.

1. Union of India
through General Manager,
Southern Railway,
Park Town PO, Madras-3.
2. The Senior Divisional Engineer,
Southern Railway,
Trivandrum Division, Trivandrum.
3. The Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.

.. Respondents

By Advocate Mr. TPM Ibrahim Khan, Senior Central Government
Standing Counsel and Standing Counsel for Railways(SR)

OA No. 147 of 1995

1. KJ Janamma,
D/o Azhakan Gopalan,
Casual Labour,
Under the Permanent Way Inspector,
Southern Railway, Nagercoil Junction,
Residing at House No. 432,
Panchayath Ward No.4, Kurichi PO,
Kottayam District.

.. Applicant

By Advocate Mr. TC Govindaswamy



Vs.

1. Union of India through
The General Manager,
Southern Railway,
Park Town PO, Madras-3.
2. Senior Divisional Engineer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
3. Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.

.. Respondents

By Advocate Mr. James Kurian, Additional Central Government
Standing Counsel

OA No. 148 of 1995

1. PA Kunjukunjamma,
D/o Anthrayose,
Casual Labourer,
Under the Permanent Way Inspector,
Southern Railway, Nagarcoil Junction,
Residing at Puliamparambu, Kurichi,
Sachivothamapuram Post,
Changanassery.

.. Applicant

By Advocate Mr. TC Govindaswamy

Vs.

1. Union of India through
the General Manager,
Southern Railway,
Head Quarters' Office,
Park Town PO, Madras-3.
2. The Senior Divisional Engineer,
Southern Railway,
Trivandrum Division,
Trivandrum.
3. The Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum.

.. Respondents

By Advocate Mr. TPM Ibrahim Khan

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

The facts of these cases are identical, and so are the
reliefs sought. The services of applicants have been
terminated on the ground that they had practised deception

to obtain employment. It is alleged that they had mentioned wrong dates of birth and that this was found out in a vigilance enquiry. This enquiry is the basis for termination.

2. It has been settled for a long time in this country, that an order to the detriment of an official (howsoever attractive the reasons therefor may appear) cannot be made without affording him/her an opportunity to show cause against the proposed order. Affected persons must know the reasons upon which action is proposed. Authority is legion for this proposition, and it is found in a long catena of decisions from Dr. (Miss) Binapani Dei's case (AIR 1967 SC 1269). Admittedly the impugned orders were passed without disclosing the reasons therefor to applicants and without affording them an opportunity to show cause against the same. For that short reason we quash the impugned orders as ab initio void.

3. The applications are allowed. No costs.

Dated the 8th February, 1995

Sd/-
SP BISWAS
ADMINISTRATIVE MEMBER

Sd/-
CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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CERTIFIED TRUE COPY

Date 10.2.95

Murthy
Deputy Registrar

8/c
9/2/95