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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.263 of 1989

Pradeep Dixit Applicant

Versus

Union of India & Others Respondents

Hon.Mr.Justice U.C.Srivastava, V.C.

Hon.Mr. A.B.Gorthi, Member (A)

(By Hon.Mr.Justice U.C.Srivastava, V.C.)

~~The applicant's~~ A short question is involved in this case. With the consent of the parties we have heard the learned counsel for the parties and decided the case finally.

2. The applicant's name was sponsored by the Employment Exchange for the post of Fire Engine Driver in the Armed Forces Medical Stores Depot, Lucknow. The applicant was found suitable and that is why he was appointed. Initially the appointment order was for a period of two years. After completion of one year a memo was issued to him on 3.10.88 requiring him to show cause as to why his services should not be terminated for false declaration and suppression of facts. It appears that three cases were pending against the applicant in the Court of ACJM II. No reference was made for the same in the attestation form. The learned counsel for the applicant stated that the applicant was not conversant ^{with} _{to} the English language and he could not understand the meaning and purport of the said column given in the attestation form. The

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respondents instead of holding an enquiry terminated the services of the applicant vide order dated 29.12.88. The applicant filed an appeal which was also rejected by the appellate authority. The learned counsel for the applicant stated before us that his services were terminated by way of punishment. The respondents' reply is that the applicant was not a fit person to be retained in service. Before terminating the services of the applicant an enquiry should have been held but the respondents instead of holding an enquiry terminated the services of the applicant. In this way, the termination order is obviously by way of punishment and cannot be passed in violation of Article 311 of the Constitution of India. The application is allowed and the termination order as well as appellate order rejecting the appeal of the applicant are quashed. It is open to the respondents to hold an enquiry in accordance with law which may be just and proper. Parties shall bear their own costs.

Parasgupta

Member (A)

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Vice Chairman

Dated the 17th Sept., 1991.

RKM