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Central Administrative Tribunal Lucknow Bench Lucknow
Original Application No: 267 OF 2005
This, the 11 th day of July, 2005

HON'BLE SHRI S.P. ARYA MEMBER(A)
HON'BLE SHRI K.B.S. RAJAN MEMBER(J)

Narendra Nath Yadav aged about 34 years, son of Shiv Narayan, Resident of Village Jethautipur, Post-Dariyabad, Railway Station, District Barabanki. Working as Helper Khalasi (Class-IV) post T.NO 366H/89 G. Office of Dy. Chief Mechanical Engineer (W) Carriage and Wagon Workshop, Lucknow.

Applicant.

By Advocate Shri R.L. Mishra

Versus

1. Union of India through Secretary to Government Railway Department (N.R.) Central Secretariat, New Delhi.
2. Senior General Manage (N.R.) Baroda House, New Delhi.
3. Deputy Chief Electrical Engineer (W) Carriage and Wagon Workshop Alambagh, Lucknow.
4. Assistant Works Manager, Carriage and Wagon Workshop, Alambagh, Lucknow

Respondents.

By Advocate Shri Raj Singh for Shri M.K. Singh.

ORDER (ORAL)

BY HON'BLE SHRI K.B.S. RAJAN, MEMBER (J)

M.A. 1184/05

M.A. for condonation of delay is allowed.

O.A. No. 267/05

This is second round of litigation. In the earlier O.A., 119/2000, whereby the termination order issued vide order No. 11.01.2000 passed by Assistant Works Manager, N. Rly, C & W shop, Alambagh, Lucknow, was under challenge, this Tribunal by its order dated 17-10-2003 set aside the order of termination but held vide para 25 thereof, "Accordingly we hold that it will be open for the contesting respondents to pass orders as aforesaid after following the procedure prescribed under law and in the light of the observations given above." Consequent to the passing of the above order, the

applicant was placed under suspension and further notice was issued directing him to show cause dated 30-01-2004 in regard to the authenticity of the documents on the basis of which he was appointed and later on transferred.

2. In reply to the above show cause notice; the applicant had called for certain documents vide letter-dated Nil. The respondents have, by the impugned order dated 13.5.2004, terminated the services of the applicant and in this O.A. it is this order that is under challenge.

3. During the course of hearing, the respondents have stated that the documents called for having no relevance with the case in issue come, the services have been rightly terminated. In an earlier decision of this Tribunal in identical case and under identical circumstances, it was decided that the applicant should be permitted to make a representation surfacing out the relevancy of the documents he has asked for. On receipt of the representation, the department should consider and dispose of the same by passing a speaking and reasoned order within a period of two months from the date of receipt of a certified copy of the order.

4. Keeping in tandem with the aforesaid order, this O.A. is disposed of with liberty to the applicant to move a proper representation to the respondents within a period of one month ~~from~~ the date of communication of this order and on receipt of the same, the respondents shall consider the said representation analyze the relevance of each of the document requisitioned by the applicant, taking into account the reasons or justifications given in the

representation and decide the case by passing reasoned and speaking order. The decision may be taken within two months from the date of receipt of the said representation. No costs.



K.B.S RAJAN)
MEMBER (J)



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(S.P. ARYA)
MEMBER (A)