CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. No. 233/05

Lucknow this the 26th day of May, 2005.

Hon. Shri S.P. Arya, Member (A)
Hon. Shri K.B.S. Rajan, Member (J)

Shri Mangal Dev Ram, aged about 33 years, son of Shri Bhaggu Ram, T No. 863-A, resident of H No. LDA Colony, Kanpur Road, Lucknow.

Applicant

By Advocate Shri P.K. Tripathi.

Vs.

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

Respondents.

By Advocate Shri Raj Singh for Shri S. Verma.

...2

ORDER

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

1. This is the second ground of litigation. In the earlier litigation, vide order date 17.10.2003, this Tribunal has quashed the order of cancellation of appointment/termination of the services of the applicants, on the ground that the services could not be terminated save in accordance with the rules/process of law. Six weeks time was granted to the respondents to issue show cause notice to the applicant and on receipt of reply thereto decision should be taken within 6 weeks thereafter.

2. In the wake of above order, the respondents had issued a show cause notice to the applicants and in reply thereof the applicant has sought for certain documents. It is the case of the applicant that without making available copies of such documents the impugned order dated 13.5.2004, confirming the termination of service of the applicant was passed, Hence this O.A.

3. Heard the learned counsel for the parties. The counsel for the applicant relying upon the following cases decided by this Tribunal submits that the case of the applicant also being identical to those in which the aforesaid orders were passed, similar order could be passed;

(a) O.A. No.209/2005 Dinesh Kumar Vs. U.O.I. & Others decided on 19.5.2005.

(b) (b) O.A.No.205/2005 Sanjay Kumar Vs. U.O.I. & Others decided on 19.5.2005.

4. In the aforesaid cases which are identical on facts, this Tribunal, relying upon the observations of the Apex Court in State of U.P. Vs. Ramesh Chandra Mangalik, AIR 2002 (SC) 1241 passed the following orders.

> " In the result, for the foregoing reasons, without quashing the order of termination, in the event the applicant prefers a representation to the respondents stating the relevancy of the documents not furnished to him and prejudice caused thereafter, the respondents shall, on receipt of such a representation, 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 this order. In the event, the applicant remains aggrieved; it shall be open for him to revive the present O.A., which is accordingly disposed of. No costs."

5. We are of the considered view that ends of justice could be adequately met, if this O.A. is also disposed of in terms of aforesaid order referred to above.

6. Consequently, keeping intact the order of termination, it is directed that in the event the applicant prefers a representation to the respondents stating the relevancy of the documents not furnished to him which has caused prejudice to him, the respondents shall, on receipt of such representation, 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 this order together with representation. In case, the applicant shall have any grievance in the final decision taken by the respondents in respect of the representation, it shall be open to the applicant to file a fresh O.A. in accordance with law. No costs.

(K.B.S. RAJAN)
MEMBER (J)

(S.P. ARYA)
MEMBER (A)