

(5)

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No: **270 OF 2005**
This, the 11th day of July, 2005

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

Shri Vishwa Mohan Singh aged about 44 years, son of Shri Raj Narain Singh, Resident of Village Gopalpur, Post- Pachruki, District -Siwan (Bihar). Working as Helper Khalasi (Class-IV) post T.NO 6844. 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 Manager (N.R.) Branch Baroda House, New - Delhi.
3. Deputy Chief Electrical Engineer (W) Northern Railway, Charbagh, Lucknow.
4. Assistant Workshop Electrical Engineer Northern Railway, Charbagh, Lucknow

Respondents.

By Advocate Shri Arvind Kumar.

ORDER (ORAL)

BY HON'BLE SHRI S.P. ARYA MEMBER (A)

M.A. 1187/05

M.A. for condonation of delay is allowed.

O.A. No. 270/05

This is second round of litigation. In the earlier O.A., 222/2000, whereby the termination order issued vide order dt.17-01-2000 was challenged, 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 necessary show cause

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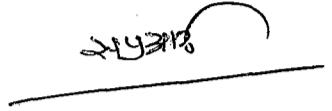
notice was issued vide order dated 03-01-2004 to the applicant.

2. In reply to the above show cause notice; the applicant had called for certain documents vide letter-dated 08-04-2004. Even after further correspondence, as the applicant did not submit his reply to the show cause, 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.



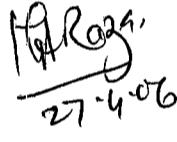
K.B.S RAJAN)
MEMBER (J)



(S.P. ARYA)
MEMBER (A)

v.

OR
As per order dated
27-4-06, this order
shall not be issued
without the order dated
27-4-06.


27-4-06

S.O.(J)