

CENTRAL ADMINISTRATIVE TRIBUNAL

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ORIGINAL APPLICATION NO. 252 of 1990

Vijay Kumar

Applicant

versus

Union of India & others

Respondents

HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.

HON. MR. V.K. SETH, ADMN. MEMBER.

(HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.)

This application is directed against the removal order dated 29.10.88 and the order dated 26.5.90 dismissing the appeal of the applicant.

2. The applicant was initially appointed as Mazdoor casual/muster roll basis and was charge sheeted and the charge was that when he entered the department during June, 1981 he produced false documents showing date of birth as 11.8.1957 and again he gave false declaration on 10.8.83. His actual date of birth as per school certificate was 1.8.1954 while his actual date of birth was 11.8.57 and as per this date of birth he was over age. According to the respondents the enquiry is said to have taken place and in the enquiry the applicant was found guilty and he was removed from service and the appeal filed by the applicant has been dismissed.

3. The applicant has challenged the orders of removal and the order dismissing the appeal of the applicant and he contended that he was

not given opportunity of hearing and he was not provided with defednce assistance and no oral evidence has been recorded.

4. As a matter of fact the appellate authority should have provided him with oppoortunity of hearing and should have passed speaking order. The order of appellate authority dated 26.5.90 is quashed and the appellate authority is directed to decide the appeal of the applicant after giving him opportunity of hearing hearing to the applicant and will pass a speaking order taking into consideration all the grounds taken by the applicant. In case it is found that the applicant was not provided with opportunity of hearing in the enquiry the mater will be opened for fresh enquiry.

5. Application stands disposed of as above with no order as to costs.

*W.C.*

*W*

ADMN. MEMBER

VICE CHAIRMAN

LUCKNOW DATED: 21.4.93.

Shakeel/