

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

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Original Application No. 37 of 1991.

Harish Chandra

Applicant.

versus

Deputy Mechanical Engineer
Carriage & Wagon Shop, N. Railway,
Alambagh, Lucknow and others. Respondents.

Shri T.N. Gupta Counsel for Applicant.
Shri A. Srivastava Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

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

The applicant who is said to be belonging to the S.C./S.T. community was selected for the post of Khalasi in Carriage and Wagon Workshop, Lucknow in the month of January, 1984. According to the applicant his date of birth was recorded as 10.10.64 but the clerk manipulated it as 10.10.67 and got it manipulated in the office of Deputy Inspector of Schools Unnao. The respondent No. 1 who was prejudiced, issued the charge sheet alleging that he has filed a false certificate in support of his age. The applicant denied the charges against him and enquiry proceeded in the matter and the enquiry was also made from the institution from where it was found that the date of birth was not correctly recorded. The applicant contends that he demanded various documents, but the same were not

supplied to him and as a matter of fact correct date of birth was manipulated by the authorities concerned.

2. The applicant was dismissed from service, against which he filed representation 20.7.88 to the Dy. Chief Engineer, a copy of which has been annexed as Annexure 5 in which he also made a prayer for promotion but the said representation has not yet been disposed of. On behalf of the applicant it has been contended that full opportunity to defend himself was not given to him and the relevant documents have not ~~ever~~ been supplied to him but certain manipulated document has been placed by the respondent who made certain enquiry behind the back of the applicant. It has further been contended that the applicant has not committed any fraud and incase the correct date of birth was not recorded he was not responsible for the same.

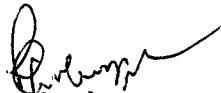
3. The applicant should not have been made to suffer as it was an excessive punishment not commensurate to the charges i.e. throwing him out of service. All this matter should have been enquired into and considered by the authority before whom the representation was pending. Authority concerned can also reduce the punishment but we cannot do the same. Accordingly, the authority before whom the representation is pending, is directed to consider

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the representation of the applicant and pass a speaking order taking into consideration the pleas raised as well as quantum of punishment which has been given to the applicant within 2 months from the date of communication of this order to the respondents.

If possible, personal hearing be also given to the applicant.

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


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated: 3.2.93.