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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH.

O.A.448 of 1991

Sohan Lal Applicant

Versus

Director Industrial & Toxicology Research
Centre Respondent.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

As the pleadings are complete, we are going to dispose of this application finally with the consent of the parties.

2. The applicant was engaged on muster roll ~~off~~ on daily wages on the post of Junior Security Guard on 9.7.81 by the Director Industrial and Toxicology Research Centre Mshatama Gandhi Marg, Lucknow. It appears that the applicant along with 13 others preferred a representation to the Director General for regularisation after approaching the lower authority. As the applicant could not get along with 13 others had any relief, he filed this application before this Tribunal which was admitted on 16.9.91. On 8.11.91, when the applicant went to take his charge at 10 p.m. and requested to supply the torch to perform the duty of Security on Director Banglow he was not allowed to do so. Thereafter, Shri C.D. Prasad, Security Officer appeared in the Guard Room and directed the applicant to deliver a close envelop to the Director at his Banglow. The applicant went to the Banglow of the Director, ITRC for duty and delivered it to the Director in his hand and after going through the envelop the respondent returned the said envelop to the applicant and directed his servant to get out the applicant from his premises. Anyhow, the

applicant's services were terminated. The applicant has challenged the said termination order on variety of grounds including that no steps for regularisation have been taken by the respondent to regularize his service in view of the Casual Workers Absorption Scheme, 1990 and when he approached the tribunal, his services were terminated in ^{un-}ceremonious manner. According to the applicant, his juniors were retained but he has been ousted from the service.

3. The respondent in the reply has pointed out that prior to the filing of the application, on 3.11.91, the applicant insulted the National Flag inasmuch as that he used it for cleaning his shoes. His explanation was called for and he submitted his explanation. According to the respondent because a serious offence was committed by the applicant, his explanation was not found satisfactory and his services were terminated.

4. The facts stated above indicate that the services of the applicant were terminated by way of punishment. The applicant had been working as Casual Labourer for the last 10 years, his services could not have been terminated but when his services were terminated by way of punishment more so when an application for regularisation was pending, an opportunity of hearing must be given. Without giving an opportunity of hearing to the applicant, the applicant could not have been or should not have been penalised on this ground. As the principle of natural justice has been violated, the termination order deserves to be quashed and is accordingly quashed. However, the respondent is directed to hold an

enquiry in the matter. Let the enquiry be completed within a period of three months from the date of communication. With these observations, the application is accordingly disposed of without any order as to costs.



MEMBER (A)



VICE CHAIRMAN.

DATED: MAY 25, 1992

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