

(11)

CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~  
NEW BOMBAY BENCH

O.A. No. 312/87

198

~~Ex. No.~~

DATE OF DECISION 31.8.1988

Shri Chandrakant Shelke Petitioner

Shri D.V.Gangal Advocate for the Petitioner(s)

Versus

Rail Path Inspector, Nasik Road, Respondent  
Central Railway, Nasik Road.

Shri V.G.Rege Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.Srinivasan, Member (A)

The Hon'ble Mr. M.B.Mujumdar, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

} No

(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY-400614

O.A. No. 312/87

Shri Chandrakant Patilbhau Shelake  
Shivajinagar  
Near Carbon Corporation  
Satpur  
NASIK

Applicant

V/s.

Rail Path Inspector  
Nasik Road  
Central Railway  
Nasik Road

Respondent

Coram : Hon'ble Member(A) P. Srinivasan  
Hon'ble Member(J) M.B. Mujumdar

Appearance

Shri D V Gangal  
Advocate  
for the applicant

Shri V G Rege  
Advocate  
for the respondents

ORAL JUDGMENT

(PER: P. Srinivasan, Member(A))

DATED: 31.8.88.

The applicant who was working as a casual labourer in the Central Railway was removed from service on the ground that he had, at the time of appointment, produced a bogus card to show that he had worked in the Railways earlier. Shri Gangal submits that the services of the applicant should not have been terminated without holding an enquiry and giving him an opportunity of being heard. He relied on the judgment of another Bench of this Tribunal in Bombay in OA 290 i.e., Kismatram Kedaram V. DRM, Bombay.

2. Shri Rege admits that the facts of this case are similar to those in Kismatram Kedaram's case. In fact, the position is worse in the present case. In Kismatram Kedaram's case a show cause notice was issued by the employer before termination, but even that was not done here.

P. Srinivasan

3. In view of the above, we quash the order dated 9.3.1987 by which the services of the applicant were terminated. We direct the respondents to reinstate the applicant in service with full back wages from the date of termination till the date of reinstatement along with other necessary allowances according to rules. The Railway Administration is at liberty to hold a departmental enquiry in accordance with the law, if they deem fit so to do.

4. The application is allowed as indicated above. Parties to bear their own costs.

( M B Mujumdar )  
Member (J)

( P Srinivasan )  
Member (A)

Contempt Petition  
No. 14/89 (at Flag  
'A' fixed on 31/3/89.

SSG  
24/2/89