

5

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXXXX~~
NEW BOMBAY BENCH

O.A. No.
~~XXXXXX~~

7/1988

~~XXXX~~

DATE OF DECISION 20.9.1988

Shri Arvind R. Bangal

Petitioner

Shri G.S. Walia

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

-

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman,

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

1. Whether Reporters of local papers may be allowed to see the Judgement? - yes
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?

Om

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.7/1988.

Shri Arvind R.Bangal,
C/o.Shri G.S.Walia,
Advocate,
89/10, W.Railway Employees
Colony, Matunga Road,
Bombay-400 019.

... Applicant

V/s.

1. The Union of India
through General Manager,
Western Railway,
Churchgate,
Bombay.20.
2. General Manager,
Western Railway,
Churchgate,
Bombay.20.
3. Sr. Divisional Medical Officer,
Western Railway, Bombay Central
Divisional Railway Manager's Office,
Bombay-8.
4. Divisional Medical Officer,
Western Railway, Bandra Health
Unit, Bandra,
Bombay.50.

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:

Mr.G.S.Walia, advocate
for the applicant and
none for the respondents.

Oral Judgment:

(Per Shri B.C.Gadgil, Vice-Chairman) Dated: 20.9.1988

This is a matter which is covered by the judgment of this Tribunal in a group of matters such as Original Application No.247/87 etc. The applicant was a Railway employee. His services were terminated on 2.12.1986 (vide Ex.'A' to the application). The ground for termination of service is mentioned as production of bogus certificate regarding previous service. It cannot be disputed that a departmental inquiry has not been held against the applicant before terminating his services. The question as to whether such termination without any departmental inquiry is legal or not has been considered in the above mentioned judgment.

...2.

Beh. 

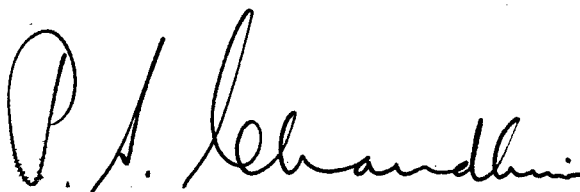
7

- 2 -

We have held that such type of termination is not permissible. We follow the same judgment and allow the application as detailed below:

O R D E R

1. The application is allowed.
2. The order dated 2.12.1986 terminating the services of the applicant is quashed. The respondents are directed to reinstate the applicant in service with full back wages from the date of termination of service till their reinstatement along with perquisites admissible under rules.
3. We make it specifically clear that this judgment would not prevent the Railway Administration from holding a departmental inquiry as prescribed by the rules and passing appropriate orders on the basis of the evidence adduced therein.
4. This judgment should be complied with expeditiously within a period of two months from today.
5. Parties to bear their own costs.



(P.S. CHAUDHURI)
MEMBER (A)



(B.C. GADGIL)
VICE - CHAIRMAN.