

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

O.A. No.410/86

Deepak Ramchandra Raipure,
R/o Dhondiba Vasti,
Near Ramwadi Hospital,
Ramwadi, Solapur

And 26 others

O.A. No.433/86

Vishwajitsingh Ramsingh Pawar,
R/o Railway Quarter No.F/53-A,
Solapur

And 8 others

O.A. No.62/87

Heera Vithoba Raut,
C/o PWI(R) KWV-
Kurduwadi

And 74 others

Applicants

V/s

The General Manager,
Central Railway,
Bombay.

Divisional Railway Manager,
Sholapur.

Respondents

Coram : Hon'ble Shri Justice B.C.Gadgil, Vice-Chairman

Hon'ble Shri P. Srinivasan, Member (A)

Appearances

Shri S.K. Shelgikar for
the applicants.

Shri V.G. Rege for
the Respondents.

ORAL JUDGMENT
(Per Shri B.C.Gadgil)

Dated: 13.10.1987

These three matters can be conveniently decided by a
common order.


2. The applicants in these three matters are casual labourers
working under the Divisional Railway Manager, Solapur. It




appears that action is being contemplated against all the applicants with an allegation that at the time when each of the applicants was engaged as casual labourer, he produced a bogus card of his service as casual labourer with the Railway organisation. We understand that the Respondents have taken a decision that while employing persons as casual labourers preference would be given to those who had previously worked as Casual Labourers. The contention of the Railway Administration is that these applicants were not previously employed as casual labourers and that they have produced forged cards showing that such earlier service and that, therefore, the Railway administration intends to take action against the applicants by removing them from service. It cannot be disputed on behalf of the Respondents that a departmental inquiry as contemplated by the Disciplinary and Appeal Rules, 1968, is not being held against these applicants. Thus, the only question is as to whether an action for removing from service can be taken against the applicants in the absence of such departmental inquiry. This question has been considered by the Tribunal in its judgment dated 14.8.1987 in OA No. 219/86 and other connected matters. The Tribunal has held that before taking any action of removing from service it is necessary that a departmental inquiry must be held. The grievance of Shri Shelgikar is that the Railway Administration proposes to take action without such inquiry and as has been held by us in the above mentioned judgment this is not permissible. Hence all the three applications succeed and we pass the following order:

Bch

3. The Respondents are restrained from terminating the services of the applicants or from removing the applicants from service without holding a departmental inquiry as contemplated by the Disciplinary and Appeal, Rules. Parties to bear their own costs of these applications.


(B. Srinivasan)
Member (A)


(B.C. Gadgil)
Vice-Chairman

bsv