

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

OAs No. 855/2001, 856/2001, 857/2001, 858/2001, 859/2001, 860/2001, 861/2001, 862/2001, 863/2001, 864/2001, 865/2001, 866/2001, 867/2001, 868/2001, 869/2001, 870/2001, 871/2001, 872/2001, 873/2001 and 874/2001.

Dated this Friday the 7th Day of December, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Smt. Shanta Shastray, Member (A).

Shri Vijay S. Amberkar,
working as Khalasi under
Assistant Electrical Engineer (C)
Metropolitan Transport Project (R),
Central Railway, Juinagar,
Navi Mumbai.

... Applicant in
OA 855/2001.

Shri P.G. Nehate,
working as Khalasi under
Divisional Electrical Engineer (C),
Metropolitan Transport Project (Rlys),
Central Railway, Juinagar,
Navi Mumbai.

... Applicant in
OA 856/2001.

Shri M.V. Dange,
working as Khalasi under
Divisional Electrical Engineer (C),
Metropolitan Transport Project (Rlys),
Central Railway, Juinagar,
Navi Mumbai.

... Applicant in
OA 857/2001.

Shri Gopal V. Patil
working as Khalasi under
Assistant Electrical Engineer (C),
Metropolitan Transport Project (R),
Central Railway, Juinagar,
Navi Mumbai.

... Applicant in
OA 858/2001.

Shri G.R. Talele,
working as Khalasi under
Assistant Electrical Engineer (C),
Metropolitan Transport Project (R),
Central Railway, Thane.

... Applicant in
OA 859/2001.

Shri H.D. Chaudhari,
working as Khalasi under
Assistant Electrical Engineer (C),
Metropolitan Transport Project (R),
Central Railway, Thane.

.. Applicant in
OA 860/2001.

Shri J.H. Talele,
working as Khalasi under
Dy. Electrical Engineer (C),
MTP (R), Central Railway,
Juinagar, Navi Mumbai.

.. Applicant in
OA 861/2001.

Shri V.M. Kachane,
working as Khalasi under
Assistant Electrical Engineer (C),
MTP (R), Central Railway, Thane.

.. Applicant in
OA 862/2001.

Shri R.K. Reddy,
working as Khalasi under
Assistant Electrical Engineer (C),
MTP (R), Central Railway,
Juinagar, Navi Mumbai.

.. Applicant in
OA 863/2001.

Shri R.L. Kadam,
working as Mason-III under
Assistant Electrical Engineer (C),
MTP (R), Central Railway, Thane.

.. Applicant in
OA 864/2001.

Shri A.R. Sheikh,
working as Khalasi under
Assistant Electrical Engineer (C),
MTP (R), Central Railway, Thane.

.. Applicant in
OA 865/2001.

Shri T.R. Patil,
working as Khalasi under
Assistant Electrical Engineer (C),
MTP (R), Central Railway, Thane.

.. Applicant in
OA 866/2001.

Shri P.M. Narayane,
working as Khalasi under
Assistant Electrical Engineer (C),
MTP (R), Central Railway, Thane.

.. Applicant in
OA 867/2001.

Shri L.M. Jangle,
working as Khalasi under
Assistant Electrical Engineer (C),
MTP (R), Central Railway,
Juinagar, Navi Mumbai.

.. Applicant in
OA 868/2001.

Shri M.E. Muthu,
working as Khalasi under
Dy. Chief Electrical Engineer (C),
MTP (R), Central Railway,
Juinagar, Navi Mumbai.

... Applicant in
OA 869/2001.

Shri C. Solomon,
Driver (Ad-hoc),
Assistant Electrical Engineer (C),
MTP (R), Central Railway, Thane.

... Applicant in
OA 870/2001.

Shri Y.E. Patil,
working as Khalasi under
Assistant Electrical Engineer (C),
MTP (R), Central Railway,
Juinagar, Navi Mumbai.

... Applicant in
OA 871/2001.

Shri V.R. Patil,
working as Khalasi under
Assistant Electrical Engineer (C),
MTP (R), Central Railway,
Juinagar, Navi Mumbai.

... Applicant in
OA 872/2001.

Shri V.D. Talele,
working as Khalasi under
Assistant Electrical Engineer (C),
MTP (R), Central Railway,
Juinagar, Navi Mumbai.

... Applicant in
OA 873/2001.

Shri V.S. Javirkar,
working as Khalasi under
Assistant Electrical Engineer (C),
MTP (R), Central Railway,
Juinagar, Navi Mumbai.

... Applicant in
OA 874/2001.

(By Advocate Shri M.S. Ramamurthy).

VERSUS

1. Union of India, through
General Manager,
Central Railway,
Mumbai - 400 001.
2. Chief Electrical Engineer,
Central Railway,
CST, Mumbai - 400 001.

3. Chief Administrative Officer (C),
Metropolitan Railway Project (R),
CAO (C)'s Office, Central Railway,
New Administrative Building,
7th Floor, CST, Mumbai-400001.

4. Assistant Electrical Engineer (C),
Metropolitan Transport Project (R),
Central Railway, Juinagar,
Navi Mumbai.

.. Respondents.

ORDER (ORAL)
(Per : Smt. Shanta Shastry, Member (A))

All these 20 (twenty) OAs involve a common cause of action. The legal issue raised is the same. The relief sought is the same. The advocate is also the same. We therefore proceed to dispose off these OAs by a common order.

2. The applicants are Khalasis working in the Central Railway. For purposes of illustration the facts in O.A.No.855/2001 are given in brief. The applicant in the aforesaid O.A. was granted temporary status with effect from 1989 by order dated 12/7.1990. According to the applicant he was relieved on being declared surplus to join the office of Chief Engineer (C), Metropolitan Transport Project on 1.4.1991. Now after a lapse of ten years the impugned charge sheet has been issued to him on

10.9.2001. The article of charge reads as follows:-
"that the said Shri Vijay Amberkar, Khalasi arrived on transfer from Central Railway to MTP (R), Mumbai by producing LPC No.HPB/797/D/ST/7FR dated 18.3.1991 issued under the signature of CPO(S&T)/Central Railway. On enquiry with CPO(S&T)/Central Railway vide MTP (R) Mumbai's letter No.MT/E/099 dated 17.7.2001, it was replied by CPO(S&T) vide letter No.HPB/P.797/D/S&T/C1./PNM - 1870/1939 dated 5.9.2001 that the LPC in question was not issued by his office. It clearly indicates that Shri Vijay

...5...

Amberkar, Khalasi obtained appointment in MPT (R) Mumbai by producing the fake office order."

3. Similar charge sheet has been issued to the applicants in other OAs also.

4. The applicant has assailed the charge sheet on two main grounds viz.

(i). The charge sheet has been issued after nearly ten years of his joining the MTP in 1991. No reasons are forthcoming by way of any document or otherwise to explain the enormous delay in issuing the charge sheet.

(ii) ^{No} sufficient material or basis is available to justify the issue of the charge sheet. It is based on a mere exchange of letters dated 17.7.2001 and 5.9.2001 as mentioned in the article of charge.

5. The learned counsel for the applicant submits further that out of 33 employees who joined the Metropolitan Transport Project on being declared surplus only 9 employees have been charge sheeted. It is discriminatory. Therefore the charge sheet of 10.9.2001 is liable to be quashed and set aside at the outset.

6. The Learned Counsel also said that the applicants have replied to the charge sheet and have requested to be provided with a defence lawyer.

7. We have heard the Learned Counsel for the applicants. In our considered view it is not necessary to interfere with the due process of law at this stage. In regard to the demand for a defence lawyer, since the charge is of alleged forgery and since the applicants are

only Khalasis, the enquiry officer shall take into consideration this aspect also at the time of hearing while dealing with the request for defence lawyer.

8. In the above view of the matter all the O.A.s are dismissed at the admission stage itself. We do not order any costs.

(Smt. Shanta Shastry)
Member (A)

(Birendra Dikshit)
Vice Chairman.

H.