

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH:BANGALORE

DATED THIS THE 8TH DAY OF DECEMBER,1986

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy, .. Vice-Chairman.

And:

Hon'ble Mr. L.H.A.Rego, .. Member(A).

APPLICATION NUMBER 1665 OF 1986.

Muniappa,  
S/o Venkatappa,  
C.P.C.Khalasi,  
L.T.I,No.209,  
C.W.I's Office,  
Bangarpet. .. Applicant.

(By Sri M.Narayana Swamy,Advocate)

v.

1. The Divisional Railway Manager,  
Southern Railway,Bangalore City-23.
2. The Permanent Way Inspector,  
Southern Railway,Bangarpet. .. Respondents.

(By Sri A.N.Venugopal,Advocate).

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This application coming on for hearing this day, Vice-Chairman made the following:

O R D E R

In this application made under Section 19 of the Administrative Tribunals Act of 1985 ('the Act') the applicant has challenged order No.BWT/8 dated 27-6-1986 of the Permanent Way Inspector, Southern Railway, Bangarpet (Inspector).

2. The applicant claims that he was appointed as a CPC Khalasi in September,1981 and has been working ever since then uninterrupted ly. But, on 27-6-1986 the Inspector had terminated his services.
3. Among others, the applicant has urged that the order of termination for an alleged misdemeanour was contrary to Article

311(2)

3II(2) of the Constitution and Railway Servants(Discipline and Appeal) Rules,1967 ('Rules').

5. The respondents have resisted this application.

6. Sri M.R.Shilendra, learned counsel for the applicant contends that the Inspector had really terminated the services of the applicant for an alleged misdemeanour in contravention of Article 3II(2) of the Constitution and the Rules.

7. Sri A.N.Venugopal, learned <sup>counsel</sup> for the respondents sought to support the order of the Inspector.

8. The order made by the Inspector on 27-6-1986 reads thus:

Sub: Verification of Finger Prints on the G.353, Register and ELR Pay sheets with initial recruitment records.

Ref: Sr.DEN/SBC Letter No.B/101/CON /Genl.dt.23-6-1986.

-- As per the orders of Sr.DEN/SBC cited above, you have stopped from work with effect from 27th June,1986 as your LTI's are not tallying with that of initial records of your retirement under IOW/BWT as verified by for FPE of AAO/XE/MAS."

Whatever be the inapt language employed in the order, it is clear that the Inspector had really terminated the services of the applicant from 27-6-1986 for an alleged misdemeanour.

9. Before terminating the services of the applicant that too for an alleged misdemeanour of impersonation, the Inspector did not hold an inquiry as required by the Rules and Article 3II(2) of the Constitution. From this it follows that the order made by the Inspector which is manifestly illegal is liable to be quashed.

10. In the light of our above discussion, we quash the impugned order of the Inspector, direct the respondents to reinstate the applicant to his original post with expedition and in any event on or before

I-1-1987. We also direct the applicant to report for duty before respondent-2 on or before I-1-1987. But, this order does not prevent the respondents or any other superior authority to hold an inquiry and terminate the services of the applicant for impersonation or other misdemeanour in accordance with law. We permit the respondents to settle the salary, if any due to the applicant from the date of his termination to the date of his reinstatement in conformity with the order to be made in the disciplinary proceeding only.

II. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.

*M.S. Bhagat*  
VICE-CHAIRMAN. 8/2/86

*R. S. J.* 8-26-86  
MEMBER(A).

np/