

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE THIRTEETH DAY OF OCTOBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao ... Member (J)
Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATION NO. 887/86

C. Nagarajaswamy,
S/o Chikkalingaiah,
Junior Engineer,
Bangalore Telephones,
10/1, 4th A Cross,
Hosahalli Extension,
Bangalore-560 040. ... Applicant

(Shri M. Mahabaleshwar Goud . Advocate)

V.

The Union of India,
by its Secretary,
Ministry of Telecommunication,
New Delhi.

The Deputy General Manager,
Bangalore Telephones,
Office of the General Manager,
Telephones, K.G. Road,
Bangalore-560 009. ... Respondents

(Shri N. Basavaraju ... Advocate)

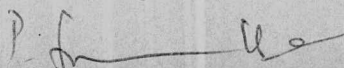
This application came up for hearing before the Court today,
Hon'ble Member (A) made the following:-

ORDER

This application was originally filed as a writ petition
before the High Court of Karnataka and on transfer has been put
up before us for hearing and disposal.

2. Shri M. Mahabaleshwar Goud for the applicant and Shri N.
Basavaraju for the respondents have been heard.

3. The applicant who joined as a temporary Junior Engineer in
the Department of Telecommunications on 25.2.1980 was given one
month's notice of termination of service on 8.4.1982. Shri Goud
contends that this was not a termination simpliciter of the services
of a temporary Government servant but was the result of enquiries
made by the respondents in regard to the correctness of the
declaration of his caste by the applicant. While applying for



the post, the applicant had stated that he was a Beda Jangama which was a Scheduled Caste. The Vigilance Officer had called him and asked him to produce proof that his caste fell under the category of Scheduled Castes. The applicant had given a reply and soon after this his services were terminated. He, therefore, urged that his services were terminated by way of punishment for what the authorities thought was a false claim by the applicant that he belonged to a Scheduled Caste and, therefore, the applicant should have been given an opportunity of being heard before such termination. Since such opportunity was not given the order terminating the applicant's services was bad as violative of Article 311(2) of the Constitution.

4. Shri Basavaraju counsel for the respondents asserted that it was a termination simpliciter of the services of a temporary Government servant and that, therefore, did not fall under Article 311(2) of the Constitution. At our instance, the personal file of the applicant on which the order terminating his services was processed was produced before us. We find the following Note dated 8.4.1982 in the file:-

"I have gone through the case. The official has been given a reasonable opportunity to prove his contention that he belongs to S/C vide 17/C. Now that it has been established that he entered the Department by giving false documents, he must be immediately removed from service. Notice may, therefore, be served on him. The DE should be asked to recover the identity card, uniform (aprons and coats etc.) if any issued, tools, imprest, etc. before the official is finally relieved."

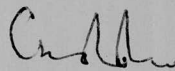
The note is said to have been signed by the Deputy General Manager (Planning) and marked to the Assistant General Manager (Administrative) for issue of suitable orders.

5. It is clear from the Note extracted above that the authorities felt that the applicant had furnished false documents and, therefore, deserved to be removed from service immediately. Obviously such a step is clearly in the nature of punishment.

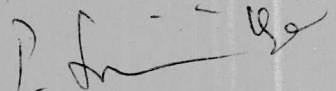
P. S. He

According to the settled law on the subject the services of a temporary Government servant can be terminated by way of punishment only after giving him an opportunity of being heard and this has not been done in this case. We, have, therefore, no hesitation in quashing the order of termination of services dated 8.4.1982 at Annexure F to the application. The respondents will, however, be at liberty to take such action as they may deem necessary in accordance with law.

6. In the result the application is allowed. There will be no orders to costs.



MEMBER (J)



MEMBER (A)

bsv