

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 608/90

199

~~XXX~~ NO:X

DATE OF DECISION 4.3.92

Shri Jagrupram Mudrikram Petitioner

Shri Y.R. Singh. Advocate for the Petitioners

Versus

Divisional Railway Manager Respondent
Central Railway.

Shri J.G. Sawant. Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice Chairman.

The Hon'ble Mr. M.Y.Priolkar, Member (A)

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

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(S.K. DHAON)
Vice Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 608/90

Shri Jagrupram Mudrikram

... Applicant.

V/s.

Divisional Railway Manager
Central Railway.

... Respondent.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman
Hon'ble Shri M.Y. Priolkar, Member (A)

Appearance:

Shri Y.R. Singh, counsel
for the applicant.

Shri J.G. Sawant, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 4.8.92

(Per Shri S.K.Dhaon, Vice Chairman)

On 7.2.90 the applicant, a Sub-Khalasi,
was removed from service. The Appeal preferred by
him was dismissed on 26.7.90. Hence this application
under section 19.

The charge against the applicant was that
at the time of recruitment of a Sub-Khalasi he produced
a false casual labour card No 150493.

We have gone through the record. We have
heard Shri Sawant in opposition to this application.
Shri Sawant has conceded that the enquiry was not
conducted in accordance with law in so far as the
material witness, on the basis of whose letter a
finding has been recorded that the said card had
not been issued by him, had not been produced.
Shri Sawant urges that even if we quash the order
of removal and direct the reinstatement of the applicant,
this is not a fit case where we should direct that
the applicant should be paid his backwages. He also
urges that the department may be left free to hold

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a de novo enquiry, in accordance with law, on the crucial question whether the said card was a forged one.

Having considered the matter with care it deserves, we feel that Shri Sawant has taken a fair stand.

We set aside the order dated 7.2.90 whereby the applicant was removed from service. We also set aside the order of the appellate authority dated 26.7.90. We direct that the applicant shall be reinstated in service forthwith. The applicant shall be entitled to backwages if, after proper enquiry, it is found that the card No. 150493 submitted by him was not a forged one. The respondents shall initiate a fresh enquiry within a period of six weeks. If the enquiry is initiated, the same shall be completed within a period of six weeks from the date of initiation. If the enquiry is not initiated within a period of ~~six months~~^{by six weeks} from today the applicant shall be entitled to backwages.

With these directions this application is disposed off finally.

There shall be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN

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