

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 330/98

the 8th day of MARCH 2002

CORAM: Hon'ble Shri Gopal Singh, Member (A)

Hon'ble Shri S.L. Jain, Member (J)

Suresh Maruti Vaval
Milind Nagar, Kate Manavli
Kalyan (East), Thane.

...Applicant.

By Advocate Ms. Niranjani Shetty.

V/s

1. Union of India through
The General Manager,
Central Railways,
Chatrapati Shivaji Terminus
Mumbai.
2. The Divisional Railway Manager
Bombay Division, Central Railways,
Chaatrapati Shivaji Terminus,
Mumbai.
3. The Divisional Electrical
Engineer (Traction Distribution)
Kalyan OHE
Central Raillays, Kalyan. ...Respondents.

By Advocate Shri R.R. Shetty.

O R D E R

{Per Hon'ble Shri Gopal Singh, Member (A)}

This is an application under Section 19 of the Administrative Tribunals Act 1985. The Applicant Shri Suresh Maruti Vaval has prayed for quashing the impugned order dated 23.11.1996 (Exhibit A-1) and for a direction to the respondents to reinstate the applicant with continuity of service with full backwages.

Gopal Singh

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2. The applicant's case is that he had joined the respondents Railways on 13.3.1985 as monthly rated temporary employee and he was removed from service on 23.11.1996 on the ground that he had secured employment with the respondents department by producing forged documents which were obtained by him by paying bribe. The applicant challenges the order of the Disciplinary Authority on the grounds that the applicant has been penalised on the basis of his own statement recorded by another person. The person who had recorded the statement was not *veracilly* *h* questioned and *defence* of the statement was not established.

3. We have dealt with this controversy in another case in OA 995/98 which has been disposed of on 7.3.2002. In that application also the applicants were penalised on the basis of their unverified statement. We are therefore of the view that the case in hand is squarely covered by our order dated 7.3.2002 passed in OA 995/98. Accordingly we pass the following order.

4. The OA is allowed. The impugned order dated 23.11.1996 is quashed and set aside. The applicant would be entitled to 50% of backwages from the date of his removal from service to the date of reinstatement in terms of this order. The respondents are given three months time from the date of receipt of copy of this order to comply with the order. No order as to costs.

S.L.Jain
(S.L.Jain)
Member (J)

Gopal Singh
(Gopal Singh)
Member (A)

NS

28/3/02

Order/Judgement despatched
to Appellant/Respondent(s)
on 28/3/02

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