

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.
O.A No.291/95

Date of order: 31/12/2001

Laddu, S/o Sh.Ram Phool, R/o Vill.Needhar Da, Distt.
Sawai Madhopur, last employed as Gangman (TS).

...Applicant.

Vs.

1. Union of India through General Manager, Western Rly, Churchgate, Bombay.
2. Sr.Divisional Engineer(III), W.Rly, Kota Division, Kota.
3. Asstt.Engineer W.Rly, Sawaimadhopur.

...Respondents.

Mr.Shiv Kumar - Counsel for the applicant.

Mr.Manish Bhandari - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.Gopal Singh, Administrative Member.

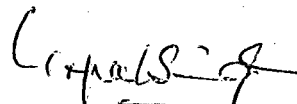
PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the impugned NIP dated 28.8.90 inflicting the penalty of removal from service and order passed by the appellate authority by which the appeal filed by the applicant was dismissed with all consequential benefits.

2. In brief facts of the case as stated by the applicant are that the applicant was initially engaged on the post of Gangman on 24.4.84 and was granted temporary status w.e.f. 25.7.85. It is stated that the applicant was served with a charge sheet for major penalty alleging that he had obtained employment by fabricating bogus service card and he thereby played fraud with the department. It is stated that enquiry was not conducted as per rules, no witness was examined, the applicant was not supplied with a copy of the enquiry report

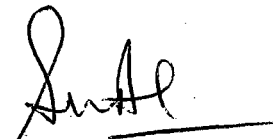
decided on 12.5.2000, has dealt with identical matter and the instant case is also squarely covered by the above decision. In the instant case also the applicant was only a temporary status holder Gangman, who was removed from service, after conducting a detailed enquiry. Therefore, we do not find any infirmity in the impugned order of removal from service of the applicant and the order passed by the appellate authority, rejecting the appeal of the applicant, against the impugned order of removal. Therefore, the applicant has no case and this O.A devoid of any merit is liable to be dismissed.

7. We, therefore, dismiss the O.A with no order as to costs.



(Gopal Singh)

Member (A).



(S.K. Agarwal)

Member (J).