

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.133/95

Date of order: 8/1/2001

Fatte, S/o Shri Gyarsia, R/o Vill. Mavali, Post Karwari,
Bayana, Bharatpur last employed under PWI(CTR), Hindaun
...Applicant.

Vs.

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

...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 order dated 9.11.91 (Annex.A1) by which 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 as substitute Gangman on 25.1.84 and after screening test and medical examination he was regularly appointed on the post of Gangman on 25.7.84. 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

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applicant was not supplied with a copy of the enquiry report in advance for making representation, etc and respondent No.3 without application of mind, imposed the penalty of removal from service vide the impugned order dated 9.11.91. The applicant filed O.A No.63/93, Fatte Vs. UOI & Ors, before this Tribunal, which was disposed of vide order dated 6.5.94 with the direction to the respondents to decide the appeal on merit. Thereafter, the applicant preferred an appeal which was rejected. It is stated that the charge sheet is vague and the enquiry officer did not conduct the enquiry in accordance with the rules and procedures. It is also stated that there was no requirement of any service card for employment, therefore, the impugned order was passed without application of mind and the appellate authority also rejected the appeal arbitrarily and without application of mind, therefore, the applicant filed the O.A for the relief as above.

3. Reply was filed. In the reply, it is stated that the applicant was engaged in the year 1984 on the basis of the fact that he worked earlier in the Railways and for proof the applicant was required to furnish his earlier job card which was a precondition and the applicant furnished the job card which on enquiry was found bogus. It is stated that the applicant was issued with a memorandum of charge sheet and after following the proper procedure/rules, the Enquiry Officer found the applicant guilty and in pursuance of the enquiry report, the applicant was removed from service vide the impugned order dated 9.11.91. It is also stated that after verification the charge sheet was issued to those whose service cards were found bogus. Therefore, the applicant has no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed.

4. Heard the learned counsel for the parties and also

perused the whole record.

6. This Tribunal in O.A No.290/95, Chhitar Vs. UOI & Ors, 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

(Gopal Singh)

Member (A).

S.K. Agarwal
(S.K. Agarwal)

Member (J).