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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1933/99

New Delhi, this the 8th day of January, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Mrs. Govindan S. Tampi, Member (A)

Shri Munna Kumar,
S/o Shri Ram Singh
R/o village & P.O. Kandhapakar,
P.S. Assawan,
Distt. Siwan (Bihar)
Ex-Recruit Constable No. 3295/DAP
New Police Lines,
Kingsway Camp, Delhi.

...Applicant

(None present)

V E R S U S

1. UNION OF INDIA : Through
its Chief Secretary,
Ministry of Home Affairs,
New Delhi.
2. Commissioner of Police,
Police Headquarters
M.S.O. Building, I.P.Estate
New Delhi - 110002.
3. Deputy Commissioner of Police,
IV Battalion, D.A.P.
DELHI.

...Respondents

(By Advocate Shri Vijay Pandita)

O R D E R (ORAL)

Shri Govindan S. Tampi, Member (A)

In this application, the challenge is against the dismissal of the applicant, a Constable in Delhi Police by order dated 21-9-98 of the disciplinary authority and its confirmation on 26-10-98 by the appellate authority.

2. The applicant belonging to Siwan, District Bihar applied for the post of a Constable in Delhi Police during May, 1997. He cleared the physical

test, written test, interview and a medical test as per the requirement and was accordingly appointed. He joined duty on 5-12-97. After nine months, he was served a show cause notice alleging that the educational certificate produced by him was found to be forged on verification and, therefore, the proceedings were proposed to initiated against him. The applicant duly replied to show cause notice stating that the educational certificates, submitted by him were genuine and can be got verified from the concerned authorities, but the respondent No.3 instead of initiating proper steps for verification/reverification, illegally and unlawfully terminated the services of the applicant vide order dated 21-9-98, which was confirmed by the appellate authority's order dated 26-10-98.

3. In his pleadings, the applicant indicates that he had given all the details which were available to him and he had acted correctly and properly and that even if there is any mistake at all, it must have been caused by the clerical staff of the Bihar Education Board. They should have been dealt and not himself and his services should not have been terminated. He said that the mistake was in the form and some over writing was also there. Therefore, the respondents should have absolved the applicant of the allegations levelled against him instead of terminating his services.

4. None has appeared for the applicant either in person or through the counsel. Shri Vijay Pandita, learned counsel for the respondents,

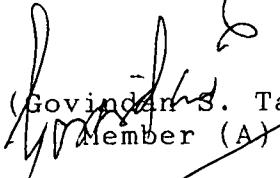
indicates that the action was taken by the respondents after the receipt of investigation report from the Bihar Education Board so that the certificate of educational qualification produced in respect of quite of persons including that of the applicant were forged. In view of the same, it was not a proper to have kept the applicant in a disciplinary service like Police. The order having been passed after due process and correctly done, should not be interfered is his plea.

5. We have considered the matter carefully. It is brought on record that the Educational Certificate produced by the applicant has been a forged one as has been clearly brought out by the investigation report received by Delhi Police. The plea of the applicant is that some clerical mistake would have been committed by someone in the office of the Bihar Education Board for which he would not be faulted. This plea cannot be accepted as a uniformed and disciplined force cannot have on its rolls, some one who has sought entry by producing a forged certificate. Respondents have taken proper action in this regard. We also find support from the decision of this Tribunal dated 25-9-98 while dismissing 23 OAs (OA 370 and others). Following ratio of the said decision squarely covers this case also.

"The aforesaid directions in OA No.300/97 were made by the Tribunal on the ground that the applicant therein was discharged from service on certain serious allegations without holding any enquiry as contemplated under Article 311 (2) of the Constitution. It appears that the learned Members of the Division Bench constituting the Bench that passed the order in OA No.300/97 did notice the aforesaid two decisions of the Supreme court and one earlier decision of this Tribunal, which would go to show that

if employment is found to have been secured by fraud on some such basis like the one of securing employment on the basis of fake appointment letter, enquiry under Article 311 (2) of the Constitution is not necessary. Under these circumstances, we are not bound by the aforesaid decision of this Tribunal in OA No.300/97 dated 20-11-97. We are of the view that all these applications deserve to be dismissed in the light of the aforesaid decisions of the Supreme Court.

6. From the perusal of the records, and in view of the above decision of the Tribunal we find that the applicant has not made any case for our interference. The order passed by the respondents is correct and proper. The application, therefore, fails as being devoid of any merits and is accordingly dismissed. No order as to costs.


(Govindaraj S. Tamai)
Member (A)

/vikas/


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)