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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1444/95

New Delhi: this the 23rd day of September, 1999.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

HON'BLE MR.KULDIP SINGH, MEMBER(J)

Shri Jai Narain,
S/o Shri Ganesh Lal,
R/o E-83, Moti Bagh-I,
New Delhi.

..... Applicant.

(By Advocate: Shri K.B.S.Rajan).

Versus

1. Union of India
through
Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. The Director (Admn),
Ministry of Home Affairs,
North Block,
New Delhi.

..... Respondents.

(By Advocate: Shri Vijay Pandita)

ORDER

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' orders dated 10.1.94 and dated 16.8.94 (Annexure-A Dolly) and seeks reinstatement with back wages.

2. Applicant was removed from service for having filed a false certificate to the effect that he had passed 8th Class, vide order dated 10.8.90. Against that order applicant filed OA No.2726/96 which was disposed of by order dated 26.2.92. By that order, the impugned order dated 10.8.90 was quashed and applicant was ordered to be reinstated with liberty given to applicant to proceed against applicant in the disciplinary proceeding from the stage of issue of the

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chargesheet after holding an enquiry in accordance with CCS(CCA) Rules.

3. Admittedly applicant was reinstated. Chargesheet was issued to him on 3.8.92 that he had submitted a forged certificate of his educational qualification (Flag C of English Translation taken on record) and the Enquiry Officer submitted his findings on 6.7.93, in which he held that applicant had obtained service as Peon by giving forged educational certificate and the allegations therefore were proved. A copy of the Inquiry Officer's findings were furnished to applicant on 18.8.93 (Flag D of English Translation) for representation, if any. Accepting the Inquiry Officer's findings the Disciplinary Authority imposed the penalty of removal from service vide impugned order dated 10.1.94 which was upheld in appeal vide impugned order dated 16.8.94.

4. Applicant has himself in his petition dated 26.5.90 (Annexure-D) admitted that he had not studied upto 8th Class, but in his attestation form while applying for the post of peon, and filled by him in his own hand, he claims to have studied upto 8th Class. In the biodata form also he claims to be 8th Class pass. The District Education Inspector, Ghaziabad in his letter dated 20.12.91 (Annexure-A A) in regard to the T.C. filed by applicant which was sent to him for verification has categorically stated that the T.C. was a forged and bogus one. Applicant during the course of the D.E. also failed to furnish materials to the satisfaction of the E.O. that he had passed 8th Class, ^{and} submitted only 7th Class pass certificate.

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5. Under the circumstance the E.O's findings that applicant had submitted a forged certificate in respect of his educational qualifications and based upon that the impugned order of applicant's removal from service cannot be said to be illegal or arbitrary.

6. The OA is therefore dismissed. No costs.

Kuldip Singh
(KULDIP SINGH)
MEMBER(J).

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(S.R. ADIGE)
VICE CHAIRMAN (A).

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