

Central Administrative Tribunal
Principal Bench

O.A. No. 493 of 1997

New Delhi, dated this the 20th December, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Krishan Kumar Singh,
S/o Shri U.R. Arya,
R/o D-10/28,
Sector VII, Rohini,
Delhi-110085.

... Applicant

(By Advocate: Shri G.D. Gupta)

Versus

1. Union of India through
the Secretary to the
Government of India,
Ministry of Communications
Dept. of Telecommunications,
Sanchar Bhawan,
New Delhi-110001.
2. Mahanagar Telephone Nigam Limited.
Through the Chief General Manager,
Khurshid Lal Bhawan,
Janpath,
New Delhi-110050.
3. The Dy. Chief General Manager (Admn.),
M.T.N.L.,
K.L. Bhawan, Janpath,
New Delhi-110050. ... Respondents

(By Advocate: Ms. Anuradha proxy
counsel for M/s Sikri & Co.)

ORDER (Oral)

MR. S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated
10.8.1993 (Annexure P-3) terminating his services
under Rule 5(1) CCS (Temporary Services) Rules, 1965.
He seeks a declaration that his services were not
liable to be terminated and is entitled to remain in
service with all consequential benefits. He prays
that respondents be directed not to terminate him

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without assigning reasons.

2. Applicant's case is that he was appointed as Junior Telecom Officer in the pay scale of Rs.1640-2900 in Mahanagar Telephone Nigam Ltd. through Direct Recruitment after the post was advertised and he was selected on the basis of open competition. Upon his selection, he was deputed for training vide order dated 19.6.90 and after completion of the same he was posted in Office of the General Manager (North), New Delhi vide order dated 12.3.91 (Annexure P-4). Thereafter he was given further posting order dated 13.3.91 (Annexure A-5). Subsequently he was called upon to undergo ~~for~~⁷ further refresher training course, vide order dated 24.4.92 (Annexure P-6). He states that while he proceeded on C.L. for three days w.e.f. 12.8.93 he suddenly came to know of the impugned order dated 10.8.93 purporting to terminate his services under Rule 5(1) CCS (Temporary Services) Rules, and thereupon he immediately approached the Delhi High Court in CWP No. 4188/93, which was subsequently transferred to C.A.T., P.B. for disposal and was renumbered as T.A. No. 493/97.

3. Meanwhile it is not denied that the aforesaid impugned order dated 10.8.93 has been served upon applicant.



4. The stand of the respondents is that applicant secured the appointment as JTO on the basis of a bogus certificate relating to his educational qualification, as upon enquiry it was revealed that the institution from where he passed his B. Sc. degree i.e. Varanasey Sanskrit Vishwavidyalaya is not a recognised institution. In this connection Respondents invited attention to the B. Sc. degree certificate furnished by applicant dated 9.9.89 (Annexure R-1) and the note dated 15.8.93 (Annexure R-2) of the Dept. of Education, Govt. of India, stating that Varanaseya Sanskrit Vishwavidylaya has been renamed as Sampoorananand Sanskrit University by the U.P. Universities Act, 1973 with effect from 14.12.74 and at present there is no valid/recognised University under the name of Varanaseya Sanskrit University and hence the question of recognition of examinations/degrees of such a fake University did not arise.

5. We have heard applicant's counsel Shri G.D.Gupta and Ms. Anuradha proxy counsel for M/s Sikri & Co. for respondents.

6. Shri Gupta has emphasised that the action of respondents in termianting applicant's services by impugned order dated 10.8.93 under Rule 5(1) CCS (TS) Rules, 1965 is without putting applicant to notice, and without giving him reasonable opportunity of showing cause which is illegal and arbitrary. In this connection he has relied upon several rulings, some of which are AIR 1990 SC 307 Shridhar Vs. Nagar

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Palika, Jaunpur and others, (Para 8 thereof); 1991 Suppl. 1 SCC 330 Shrawan Kumar Jha & Others Vs. State of Bihar and others and connected cases as well as AIR 1990 SC 461 Kumari Anamica Mishra Vs. U.P. Public Service Commission, Allahabad and others.

7. Ms. Anuradha has invited our attention to newspaper report dated 17.7.95 appeared in Indian Express, a copy of which is taken on record which carries a head line that "Centre (Government) asks University Grants Commission to target fake universities" and one such universities is Varanaseya Sanskrit Vishwavidyalaya, Varanasi, U.P. She contends that as this institution from which applicant obtained his B. Sc. certificate is fake respondents rightly terminated his services under rule 5(1) CCS (TS) Rules, he being a purely temporary employee.

8. We have considered these contentions carefully.

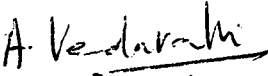
9. In our considered opinion even if, according to respondents, the Varanaseya Sanskrit Vishwavidyalaya, Varanasi is a fake institution, and applicant furnished his B. Sc. certificate from such fake institution, in accordance with the principle of natural justice he should have been put to notice and given a reasonable opportunity of showing cause against the action respondents proposed

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to take before they issued the impugned order dated 10.8.93. We are fortified in this view by the rulings relied upon by Shri Gupta, some of which have been referred to in the foregoing paragraphs

10. Under the circumstances, the impugned order dated 10.8.93, which had been issued in disregard of the principle of natural justice, without giving applicant any opportunity to show cause against the same, cannot be sustained in law and is, therefore, quashed and set aside. We make it clear that it will be open to respondents to take appropriate action against applicant with respect to the B.Sc. degree certificate produced by him, in accordance with rules and instructions and after following the principles of natural justice.

11. The O.A. succeeds and is allowed in terms of Para 10 above. No costs.


(Dr. A. Vedavalli)
Member (J)


(S.R. Adige)
Vice Chairman (A)

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