

(B)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. NO. 93/2000

New Delhi this the 9th day of April, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Shri Abhay Jain
S/o Shri Lal Chand Jain
Inspector of Works (Apprentice)
under Chief Administrative Officer (Constrn.)
Kashmere Gate
Delhi. ... Applicant

(By Advocate Shri B.S.Mainee with Mrs.
Meenu Mainee, Counsel)

-versus-

Union of India through

1. The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Chief Administrative Officer
(Constrn.)
Northern Railway
Kashmeri Gate
Delhi. ... Respondents

(By Advocate Shri H.K.Gangwani)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

It is the case of the applicant that he had applied for the post of Apprentice Inspector of Works in response to an advertisement issued by the Railway Recruitment Board, Jammu and was duly selected and appointed on 31.10.1991. However, as the entire selection process was found to be tainted with fraud, aforesaid order of appointment was rescinded by an order passed on 30.11.1992. Aforesaid order was impugned by the applicant by filing an earlier OA

W.A.

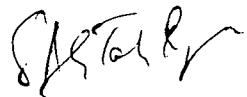
being OA No.3350/1992 which was allowed by the Principal Bench by an order passed on 19.3.1999 on the ground that the order terminating his services had been passed without notice and without affording him an opportunity of being heard. After passing of the aforesaid order, applicant was given due hearing and by an order passed on 18.1.2000 at Annexure R-IV, a fresh order of termination has been issued. The same is impugned by the applicant in the present OA. Applicant, in the present OA. is similarly placed as the applicants in a batch of 16 applications which had been filed by candidates whose appointments were similarly rescinded on the ground that the entire selection process had stood vitiated on the ground that the appointments had been obtained by practising fraud. Aforesaid batch of applications had been dismissed by the Chandigarh Bench of this Tribunal. The said orders were carried by the applicants therein to the Supreme Court by preferring Civil Appeal Nos.7422/1995, 7423/1995, 7424/1995 and 7736/1995 ^{also} which were dismissed by an order passed on 24.1.2001 on the ground that the entire selection process, to which applicant herein was also a party, stood vitiated on the ground that appointments were obtained by fraud.

2. If one has regard to the aforesaid facts, a conclusion is irresistible that no exception can be had to the orders now passed against the applicant on 18.1.2000 reiterating the decision to cancel his



appointment on the ground that the entire selection process had stood vitiated on the ground of fraud.

3. Present OA in the circumstances is dismissed. No costs.



(S.A.T.Rizvi)
Member (A)

/sns/



(Ashok Agarwal)
Chairman