

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01688/2014

Dated the 01st day of June Two Thousand Twenty

**CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)**

R.Sabitha, D/o. P. Rajendran,
residing at Vallinagar,
Checkanurani,
Pin 625514,
Madurai District.

....Applicant

By Advocate M/s. R. Malaichamy

Vs

1.Union of India,
rep by the Director of Postal Services,
O/o. The Postmaster General,
Central Region (TN),
Tiruchirapalli 620001.

2.The Senior Superintendent of Post Offices,
Tiruchirapalli Division,
Tiruchirapalli 620001.

....Respondents

By Advocate Mr. S. Nagarajan

ORDER**(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))**

This is an application filed seeking the following reliefs:

"1. To call for the records of the 2nd respondent pertaining to his Memo No. B2/ADR-PA/SA/Vfn dated 08.07.2013 and the order of removal from service of the applicant made in Memo No. B2/ADR-PA/SA/Vfn dated 28.03.2014 and the order of the 1st respondent rejecting the appeal made in Memo No. STC/3-13/2014 dated 08.09.2014 and aside the same consequent to,

2. Direct the respondents to reinstate the applicant into service with attendant benefits and

3. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. The applicant's case in brief is as follows. The applicant in this case was appointed as Postal Assistant in the Thiruchirappally postal division by the Senior Supdt. of Post Offices as per order dt. 18-07-2007. She was appointed as an ST candidate on the basis of a certificate produced by her. When the caste certificate produced by her was sent for verification to Dist. Collector, Madurai, it was reported on 28-09-2007 that the certificate produced by applicant was fake. Accordingly, the respondents initiated a major penalty proceedings under Rule 14 of the CCS(CCA)Rules and she was terminated from service by the Disciplinary Authority as per order dt. 28-03-2014. The appeal filed her was also rejected and hence filed this OA.

3. According to the applicant, the respondents ought to have given an

opportunity to produce a fresh community certificate. She had also produced a fresh community certificate, but it was not considered. So the action of the respondents is not proper and against the interest of justice. Eventhough, she raised objections against the appointment of Inquiry Officer, it was not properly considered. She had admitted the charges under compulsion from the inquiry officer. She admitted the charges without knowing the serious consequences.

4. The respondents filed a reply admitting the disciplinary action and the termination of the applicant. According to them, the applicant had filed objection against the appointment of I.O, and it was considered by the DA and appellate authority and they were rejected as there was no reason for bias as alleged. The applicant was appointed as Postal Assistant on the basis of a caste certificate produced by her. On verification, it was found to be fake and a police case is also taken against her. Since the act of the charged officer is in violation of Rule 3(1)(1) of the CCS(conduct) rules, disciplinary action was taken under rule 14 of the CCS(CCA) rules. The applicant had filed detailed statement of objection during the inquiry. It was thereafter, the applicant had filed a written statement of admission of the guilt and on the basis of the facts, the IO had found that the charges were proved and his report was filed before the DA(report dt.30.1.14) and

after consideration, the Disciplinary Authority had passed the termination order. The applicant filed an appeal and the appellate authority had also confirmed the order of DA and rejected the appeal.

5. We have carefully gone through the pleadings and annexures produced by both sides. The main argument put forward by the applicant is that she was not given opportunity to adduce evidence in her favour during enquiry. It was also argued that the respondents ought to have referred the matter to State Level Committee. The applicant relies upon the case of *A.Periaswamy V Union of India and others* in OA 72/04 which was subsequently confirmed by Hon'ble Madras High Court in WP.No 20174/05 dt 19-10-05.

6. But the counsel for the respondents would content that the applicant was given all opportunities to defend her case. The admission made by her was voluntary and the punishment given was proportionate to the gravity of the act by her. The certificate produced by her was a fake one obtained by the applicant and it was used for obtaining the job.

7. We had gone through the facts and circumstances of this case. We had also gone through the report of the IO and the proceedings of the DA terminating her. The respondents had given all opportunity to the applicant in defending her case. There are no materials to suggest that the admission

of guilt was made under compulsion. It seems that the applicant was expecting a lenient treatment. But when she failed to get the same, she filed appeal against the order of the DA. The appellate authority had also considered various aspects and confirmed the order passed by the DA.

8. Another argument put forward is that the respondents ought to have referred the matter to State Level Scrutiny Committee. The facts of *A.Periaswamy V Union of India* referred supra is different. In that case, the caste of the applicant was in dispute. The applicant therein produced a case certificate showing him as "Kattunaikan" community eventhough, subsequently it was revealed that she belonged to "Thotti" community. So, in that case, the caste of the applicant itself was in dispute and hence it was ordered that it is a matter to be considered by State Level Committee. The facts of this case are completely different. The applicant had produced a fake or fabricated certificate for obtaining the appointment which is a clear violation of Rule.3 of CCS(conduct) rules. Even the respondents have no dispute regarding the community of the applicant. So, we find that the facts of this case is different from that of "*A Periaswamy case*". So, we find no merit in this argument of the counsel of the applicant. There is no merit in contending that the applicant ought to have been given opportunity to produce a fresh certificate. The act of producing fake

certificate itself is a serious violation of conduct rules and such persons cannot be considered for appointment to civil service where absolute integrity and devotion is required.

9. The Tribunal can interfere only in cases where any procedural illegality is committed or any principles of natural justice is violated. We had also considered the proportionality of punishment imposed, considering the gravity of offence committed, the penalty imposed is also reasonable.

10. We find no merit in the contentions raised by the applicant in this case. There is no reason to interfere in the orders passed by the Disciplinary Authority as well as the appellate authority in this case.

11. This OA lacks merits and it is dismissed. No costs.

(T.Jacob)
Member(A)

(P. Madhavan)
Member(J)

01.06.2020

SKSI