

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

D.A. No. 2133/90

Dated: 18.10.1993

Jamuna Prasad

Applicant

Vs.

Government of India & Ors.

Respondents.

Shri Ashish Kalia counsel for the Applicant
None for the respondents.

CORAM

1. Hon'ble Mr. J.P. Sharma, Member (J)
2. Hon'ble Mr. B.K. Singh, Member (A)

JUDGMENT (ORAL)

(Delivered by Hon'ble Mr. J.P. Sharma, Member (J)

The applicant, Shri Jamuna Prasad, was engaged as as an unskilled substitute Carriage & Wagon Safaiwala and he joined on 25.5.1989. Subsequently it was found that he has furnished false, fabricated and forged educational qualification certificates from an institution, Patel Hindu Inter College, Shahjahanpur in U.P. of having passed 8th class/standard. The appointing authority found that the aforesaid educational qualification certificate was fictitious and forged and by the order dated March 1990 received on 9th March 1990 his services were dispensed with. The applicant filed the application on 16.10.90 and prayed for grant of relief that the impugned order of termination from service be quashed and the applicant be reinstated in service with back wages.

2. A notice was issued to the respondents who consted the application and stated that in the letter of offer of appointment the applicant was specifically informed that furnishing of incorrect or partially correct information regarding date of birth, educational qualification etc. will lead to termination from

service without any notice and he shall also be liable to other penal consequences. It is further stated that the applicant has not come with clear hands to this Tribunal.

3. We have heard the learned counsel for the applicant, Shri Ashish Kalia and perused the pleadings. None appears from the side of the respondents and since this is an old matter we proposed to decide it on the basis of pleadings.

4. The contention of the learned counsel for the applicant is that protection under Art.311(2) of the Constitution of India was denied to the applicant and without initiating departmental proceedings against him the applicant has been terminated from service. On the face of it the argument is plausible but when we have read the pleadings, it appears that the applicant had even an information which was known to him as false. By the appointment letter (Annexure A-4) dated May 1989, it is clearly a warning to the applicant that if his declaration regarding date of birth, educational qualification etc. is found false then his services would be liable to be terminated without any notice. We have also desired original school leaving certificate but the same is not forthcoming and the applicant's counsel has referred to the photocopy of the Scholar's Register and Transfer Certificate (Annexure A-5). The respondents in their counter have specifically stated that they made an inquiry from the Principal of the Institution, i.e. Patel Hindu Inter College, Shahjahanpur and the Principal has informed in writing that the said school leaving certificate was not issued from their institution. In such an event the applicant should have supported his pleadings by an affidavit of the Principal of the abovementioned institution or by showing the original certificate at the time of hearing.

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5. The principles of natural justice of course warrant that an opportunity should have been given to the applicant but in a case of established fraud and forgery the principles of equity are not available when there is a clear mention in the appointment letter that filing of a false information would lead to termination from service without any notice.

6. In the application itself the applicant has not disclosed the name of the institution where he has studied upto 8th standard. In view of the above facts and circumstances the impugned order of termination from service does not call for an interference and the O.A. is therefore is devoid of any merit and hence dismissed leaving the parties to bear their own costs.


(B.K. Singh)
Member (A)


(J.P. Sharma) 18(1943)
Member (J)

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