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Central Administrative Tribunal
Principal Bench: New Delhi

O.A.No.2406/93

This the 19th day of November, 1997.

HON"BLE DR. JOSE P. VERGHESE, VICE-CHAIRMAN(J).

HON"BLE SHRI N. SAHU, MEMBER(A).

Sh. Dinesh Chand Joshi
S/o Shri P. Joshi,
C/4, Kabul Lines,
Delhi Cantt-110010. Applicant
(By Advocate Sh. Surinder Singh)

Versus

1. Union of India,
through Secretary
Ministry of Defence, South Block
New Delhi.
 2. E-in-C
Engr-in-Chief's Branch
Army HQ DHQ P.O.
New Delhi-110011.
 3. Chief Engineer(AF)
Jalandhar Zone,
Jalandhar (Punjab).
 4. Commander Works Engr(A.F.)
Palam, Delhi Cantt.110010.
 5. Garrison Engineer(AF),
Tughlakabad
P.O. Madangir,
New Delhi-110062. Respondents
- (By Advocate Sh. V. S. R. Krishna)

ORDER(Oral)

By Hon'ble Dr. Jose P. Verghese, V.C. (J).

The case of the petitioner in this case was that he has been wrongly terminated by an order of the respondents dated 29.5.92 stating that the petitioner had produced the wrong character certificate issued by a Gazetted Officer duly signed by Executive Magistrate, Tis

Hazari, Delhi. It was stated that the Character certificate issued by the said authority was correct and still holds good. 21

2. After the notice a reply was filed and the respondents stated that the petitioner was involved in 8 cases out of which he had been discharged in 7 cases and 8th case was still pending in the Court of Smt. Bimla Makin, Metropolitan Magistrate, New Delhi. In the circumstances the police record also indicated that he was declared as a bad character.

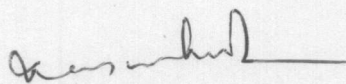
3. The petitioner on the other hand stated that all the cases against the petitioner was falsely proceeded against him and even the entry of his name as B.C. was highly motivated. Even the 8th case in which the petitioner was acquitted, the concerned Metropolitan Magistrate has stated that the facts revealed high handedness of the police and falsely involved the person in theft case. The real culprit in this case is Wasim Khan from whom the stolen motorcycle has been recovered.

4. It was also stated that the details about 8th case wherein the petitioner was involved was not acquired by the respondents on verification rather was taken from the details given by the petitioner himself while giving attestation form for verification with an Appendix 'A' Col 12 'J' and (ii) and the petitioner had given a separate Appendix 'A' giving details of all 8 cases. It is seen from the said Appendix, available at page 63 of the paper book, that in all the cases the petitioner was in fact discharged and not acquitted, after trial. In the circumstances the allegation of pending cases can in no way

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be put against the petitioner nor can that be the reason for his removal from service. It also transpired that the original attestation form did refer to the clause "pending cases" and the petitioner stated that there were pending cases against him. The only case of the respondents now, therefore, is that the character certificate issued was not correct. After hearing the counsels and going through the petition we are of the opinion that the initial character certificate issued cannot be faulted in any manner.

5. In the circumstances, it is fit the case to set aside the order of termination passed by the respondents on 29.5.92 and direct the respondents to reinstate the petitioner forthwith with all consequential benefits including full pay and back wages. The respondents are at liberty to recover the said amount from their officers who are responsible for keeping the petitioner out of employment, after holding appropriate internal enquiry according to law.

6. OA is allowed. The respondents are directed to comply with this order within 2 months from the date of receipt of a copy of this order. Rs. 2,000/- as costs.



(N. SAHU)
M(A)



(DR. JOSE P. VERGHESE)
V.C. (J)

RB.