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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 630 of 1993

New Delhi, dated this the 28th JULY 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. P.C. KANNAN, MEMBER (J)

Shri Abilakh Singh,
S/o Shri Kadhori Lal),
C/o Shri I.S. Dabas,
H-65, Raj Nagar,
Palam Colony,
New Delhi-110045.

... Applicant

(By Advocates: Shri S.K. Gupta)

Versus

1. Union of India through
its Secretary,
Ministry of Communication,
Dept. of Posts,
DAK TAR Bhawan,
New Delhi-110001.

2. Dy. Chief Postmaster,
New Delhi Head Post Office,
New Delhi-110001.

... Respondents

(By Advocate: Shri P.H. Ramchandani)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns the disciplinary authority's order dated 11.6.90 dismissing applicant from service (Ann. B-6) and the appellate order dated 3.1.92 rejecting his appeal (Ann. B-8).

2. Applicant was proceeded against departmentally on the charge (Annexure B) of securing appointment as Postal Assistant at New Delhi Head Office allegedly on the basis of false educational certificates, marksheet and identity card of employment exchange.

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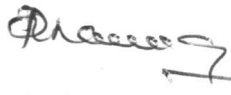
3. The I.O. in his findings held the charge as proved. A copy of the I.O's report was sent to applicant vide letter dated 16.5.90 for representation if any within 15 days of its receipt. Applicant received the letter on 19.5.90, but did not submit any representation. Instead on 31.5.90 he submitted a request for extension of time for a further period of 15 days to submit his representation. That request was refused, and after accepting the I.O's report, the disciplinary authority imposed the penalty of dismissal from service vide impugned order dated 11.6.90 which was upheld in appeal vide order dated 3.1.90.


4. Two grounds have been raised by applicant's counsel Shri Gupta to impugn the aforesaid order. Firstly, it has been contended that applicant's request dated 31.5.90 for extension of time to file his reply to the enquiry report was illegally rejected on 31.5.90 itself and his further request dated 6.6.90 for 48 hours to submit his defence after the receipt of the communication finally rejecting his request, was ignored by respondents, which was prejudicial to applicant in his defence.

5. We are unable to agree with applicant's counsel on this ground. Admittedly applicant received the copy of the I.O's report on 19.5.90. He was required under rules to submit his reply if any within 15 days i.e. by 3rd June, 1990. The disciplinary authority's order is dated 11.6.90. Applicant has not been able to establish satisfactorily why he could not submit his reply to the Inquiry report by 11.6.90, which was well beyond the 48 hours asked for by him w.e.f. 6.6.90. Shri Gupta has contended that the 48 hours time sought by applicant should

deemed to have commenced from the date of final rejection of applicant's request for extension of time, but respondents have taken the stand that these extension of time were being sought by applicant only to prolong the proceedings and applicant has not been able satisfactorily to rebut the same.

6. The second ground taken is that the original documents were not produced in the departmental proceedings and applicant has been awarded a penalty only on the basis of copies of the originals. This ground also has no merit, because as pointed out by the Disciplinary Authority, copies of the originals of applicant's educational certificates, marksheet, employment exchange, registration card were accepted by the recruiting authority as the true copy and it is upon verification of applicant's particulars as contained in the True Copy that these particulars were found to be false. If indeed it was applicant's contention that respondents erred in relying upon the True Copy of the originals, it was open to him to have produced the originals themselves, but he did not do so. Under the circumstances, this ground also fails.
7. The OA is therefore dismissed. No costs.


(P.C. KANNAN)
MEMBER(J)


(S.R. ADIGE)
VICE CHAIRMAN (A).

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