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Central Administrative Tribunal  
Principal Bench

O.A. No. 789/93 Decided on 4.10.99

Randhir Singh Rana ... Applicant

(By Advocate: Shri P.P. Khurana )

Versus

NCT of Delhi & Anr. ... Respondents

(By Advocate: Shri Rajinder Pandita)

CORAM

Hon'ble Mr. S.R. Adige, Vice Charman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

1. To be referred to the Reporter or Not? YES  
2. Whether to be circulated to other outlying  
benches of the Tribunal or not? NO

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

Central Administrative Tribunal  
Principal Bench

O.A. No. 789 of 1993

New Delhi, dated this the 4<sup>th</sup> October 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Randhir Singh Rana,  
PGT, Govt. Model Co-Ed. Sr. Sec. School,  
Paschim Vihar,  
New Delhi-110063. .. Applicant

(By Advocate: Shri P.P. Khurana)

Versus

1. The Lt. Governor,  
Govt. of NCT of Delhi,  
Raj Niwas,  
Delhi-110054.
2. The Delhi Administration through  
Chief Secretary,  
5, Sham Nath Marg, Delhi.
3. The Director of Education,  
Delhi Administration,  
Old Secretariat,  
Delhi. .. Respondents

(By Advocate: Shri Rajinder Pandita)

O R D E R

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

Applicant impugns Respondents order dated 18.12.91  
(Annexure I) deleting him from the Seniority List and  
canceling the grant of Selection Grade in the post of  
TGT.

2. Applicant's case is that he joined as TGT  
(Commerce) on 18.1.75 as a SC candidate and was promoted  
as PGT vide order dated 20.3.79 (Page 30 of O.A.). A  
complaint was filed in 1978 against him on the charge that

(2)

he had obtained the aforesaid appointment on the basis of bogus SC certificates, but he states that after investigation by the authorities, no action was taken against him since there was no truth in the complaint.

3. Thereafter another complaint was filed against him in 1981 that the SC certificate submitted by him was bogus. An FIR was registered against him and the matter was investigated by the Anti Corruption Dept. who also did not find any truth in the complaint. He states that later on the matter was referred to the Police and another FIR was registered against him and a challan was filed in the Court. The Metropolitan Magistrate directed the C.B.I. to investigate the matter vide order dated 11.8.88 (Annexure C).

4. Thereupon applicant moved the High Court to quash the Metropolitan Magistrate's order, but his plea was rejected by the High Court vide order dated 19.9.88. Thereupon he filed Criminal Appeal No.248/89 in the Hon'ble Supreme Court who ordered stay of the High Court's order dated 19.9.88. Criminal Appeal No.248/89 was eventually disposed of by the Hon'ble Supreme Court by order dated 20.12.96 in which it was held that the Magistrate on his own could not order further

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(3)

investigation. Accordingly the Magistrate's order was set aside and he was directed to dispose of the case either by framing charges or discharge the accused on the basis of the materials already on record, which was subject to the caveat that even if the order be of discharge, further investigation by the police on its own would be permissible which could even end in submission of fresh charge sheet.

5. Meanwhile as applicant had been suspended, he filed a representation dated 22.5.90 (Annexure F) against the suspension order. Thereupon he was reinstated vide order dated 28.8.90 (Annexure G) without prejudice to the Court proceedings.

6. Applicant further states that he was granted Selection Grade as TGT w.e.f. 1.3.77, after the DPC had approved his name vide order dated 13.8.90 (Annexure H), but all of a sudden the grant of Selection Grade was cancelled vide impugned order dated 18.12.91 without assigning any reason and without affording any opportunity to him to be heard.

7. Respondents in their reply have taken the plea that the O.A. is squarely hit by limitation. They state that applicant was appointed on the basis of a SC

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certificate which later on proved to be suspicious, obtained by the applicant on misrepresentation of facts. Since the appointment and later on promotion were ordered believing the S.C. certificate to be genuine which later on was believed to be bogus. The applicant was not entitled to his initial appointment as TGT as a S.C. candidate" (Para 5.1 of respondents' reply). Again in Para 5 (viii) of the reply it is stated that "as the S.C. certificate submitted by the applicant at the time of initial appointment was believed to be obtained on the basis of false documents/information, the selection grade allowed to him was rightly withdrawn."

8. We have heard applicant's counsel Shri Khurana and respondents' counsel Shri Rajinder Pandita. We have perused the materials on record and given the matter our careful consideration.

9. We note that against the impugned order dated 18.12.91 applicant had filed an appeal to respondents on 24.8.92 (Annexure J). Without waiting for the six months period to elapse, he filed O.A. No. 3254/92 which came up for hearing on 16.12.92. During hearing it was noticed that the O.A. was premature and accordingly the O.A. was permitted by order dated 16.12.92 to be withdrawn, with



liberty granted to applicant to approach the Tribunal at the appropriate time in accordance with law.

10. Thereupon, after expiry<sup>of</sup> the period of 6 months, applicant filed this O.A. on 15.4.93. Under the circumstances, clearly this O.A. is not hit by limitation and the rulings relied upon by respondents' counsel to argue that the case has to be dismissed on grounds of limitation, namely JT 1997 (8) 332; 1997 (3) SLJ CAT 54; and 1997 (2) SLJ CAT 520 do not advance the arguments of respondents on this particular ground of limitation.

11. Coming to the merits of the case, we find that respondents in their reply have nowhere stated unequivocally that the filing of a bogus S.C. certificate for the purpose of securing employment as a TGT was established against applicant. The reply only states that applicant was believed to have obtained employment as TGT on the basis of false documents/information. If indeed respondents believed applicant to have obtained employment by furnishing bogus documents, it constituted a serious charge, and a charge sheet should have been issued to him and a proper departmental enquiry should have been held against him for a major penalty in accordance with rules and instructions. Nothing of the sort was done.

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(b)

12. In the criminal case instituted against applicant bearing No. 6/87 u/s 420/468/471 IPC for obtaining job of TGT by alleged furnishing of a forged document, applicant has been acquitted by the Metropolitan Magistrate by his order dated 23.3.99, a copy of which is taken on record.

13. In the light of foregoing discussion, the impugned order dated 18.12.91 cannot be sustained in law.

14. The O.A., therefore, succeeds and is allowed. The impugned order dated 18.12.91 is quashed and set aside. Applicant should be restored to his original position at Seniority No.171 of Annexure A of respondents order dated 13.8.90 with all consequential benefits including arrears, as if his name had never been deleted from Annexure A. These directions should be implemented within four months from the date of receipt of a copy of this order. No costs.

  
(Kuldip Singh)

Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

/GK/