

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 1st day of March, 2005.

QUORUM : HON. MR. JUSTICE S. R. SINGH, V.C.
HON. MR. S. C. CHAUBE, A.M.

O.A. NO. 242 of 1998

Kumud Kumar Srivastava, son of Shri Udai Shankar Lal Srivastava, working as Clerk in Bareilly Division, Bareilly.

.....

.....Applicant.

Counsel for applicant : Sri R. Verma.

Versus

1. The Union of India through the Secretary, Ministry of Postal and Communication, Dak Bhawan, New Delhi.
2. Superintendent, Railway Mail Service, Bareilly Division, Bareilly.
3. Head Record Officer, Railway Main Service, BL. Division, Kasganj, Bareilly.
4. Post Master General, Bareilly.

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.....Respondents.

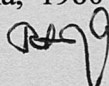
Counsel for respondents : Sri Saurabh Srivastava.

ORDER (Oral)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri R. Verma, learned counsel for the applicant, Sri Saurabh Srivastava, learned counsel for the Respondents and perused the pleadings.


2. The O.A. seeks quashing of the impugned order dated 2.2.1998 whereby the applicant has been dismissed from service on the charge of having procured appointment on a forged educational certificate. It appears that the dismissal order was not served to the applicant who was simply given intimation about his dismissal from service vide letter annexed as Annexure-3 to the O.A. However, the dismissal order has been filed along with the counter affidavit. On receipt of the dismissal order, the applicant preferred departmental appeal dated 18.3.1998 and by way of amendment the applicant has prayed for issuance of a direction to the Appellate Authority to decide the appeal within a specified time. It has been submitted by the learned counsel that the inquiry about the genuineness of the applicant's certificate was made with reference to a wrong Roll Number. Learned counsel for the applicant submits that the correct Roll Number of the applicant of Uttar Madhyama Pariksha, 1982 was 8215 and that of Purva Madhyama, 1980 was 11525B whereas the inquiry was made with

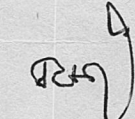


reference to the alleged Roll No.17354 of Uttar Madhyama and 17449 of Purva Madhyama Pariksha. Learned counsel produced before the original certificates. We do not consider it necessary to go into the genuineness of documents of the applicant. In our opinion, it would meet the ends of justice to direct the Appellate Authority to consider and decide the appeal preferred by the applicant after taking into consideration such documents as the applicant may file in support of his educational qualification.

3. Accordingly, the O.A. is disposed of finally with direction to the Appellate Authority to consider and decide the appeal of the applicant within a period of four months from the date of receipt of a copy of this order after taking into consideration such documents as the applicant may produce before the Appellate Authority of his educational document within a period of one month. The Appellate Authority shall have the discretion to make such inquiry from Dr. Sampurnanand Sanskrit University as it may consider necessary in order to ascertain the genuineness of the documents being relied on by the applicant. It is further provided that in case the appeal has already been rejected, the same shall be restored and decided a fresh in the light of the direction given in this order.

No order as to costs.


A.M.


V.C.

Asthana/