

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 27th day of May, 2002.

Original Application No. 95 of 1998.

CORAM :-

Hon'ble Mr. C.S. Chadha, A.M.

Hon'ble Mr. AK Bhatnagar, J.M.

Mohd. Mahmood, S/o Shri Rahim Bux,
R/o 505, Chamanganj, Sipri Bazar,
Jhansi.

(Sri Rakesh Verma, Advocate)

. Applicant

Versus

1. Union of India through the
General Manager, Central Railway,
Chhatrapati Shivaji Terminus, Mumbai V.T.
2. The Chief Electrical Service Engineer,
Central Railway, Chhatrapati Shivaji Terminus,
Mumbai V.T.
3. The Senior Electrical Engineer (Workshop),
Central Railway, Jhansi.

(Sri GP Agrawal, Advocate)

. Respondents

O R D E R

By Hon'ble Mr. C.S. Chadha, A.M.

The brief facts of the case are that the applicant was appointed as a Khalasi, through open market selection, with effect from 11-8-1986. It has been claimed that it was not an essential qualification for the said post that the applicants should have passed a trade test from an I.T.I., but for the alleged submission of such a certificate, which was later found to be false, alongwith his form submitted at the time of interview, he was removed from service by the impugned order (Annexure-A-1) dated 11-7-1996. His appeal was rejected vide the appellate order dated 14-10-1996 (Annexure-A-2) and the revision was also rejected on 16-10-1997 (Annexure-A-3). Hence, this OA has been filed

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challenging all the three orders.

2. The main grounds put forth by the applicant are:-

(i) He was not given copies of the relevant documents, specially of the call letter, before the enquiry and therefore his defence was prejudiced.

(ii) It was not essential for getting the job of Khalasi to have passed the ITI Examination (as this was not mentioned in the notification inviting applications) and therefore the question of his having submitted such a certificate, which was not required, does not arise; and

(iii) He did not submit such a certificate because the form submitted at the time of his interview was not filled up in his handwriting and he merely signed it without verifying what it contained.

3. As regards the first objection the respondents have quoted in para IV of their CA, the response of the applicant to questions asked during his enquiry. It has been averred that the applicant admitted having received all reasonable facilities and opportunities to defend himself including the fact that he did not want any more documents. Therefore, we are not convinced that the applicant's defence ^{o le} in any way jeopardised ^{was le} by the lack of furnishing copies of a certain documents ^{le} to him.

4. The second objection is in a way related to the first as it had been contended that the said call letter, which was sent to him for appearing for the interview, did not contain the requirement of passing ITI, and it is this document which is alleged to have not been given to the applicant. In their counter affidavit the respondents have not only quoted excerpts from the said letter in para VII thereof but have attached a photocopy of the same as Annexure-CA-3. As CA-3 was addressed to the applicant and

only as a result of receiving it he attended the interview it cannot be said that the applicant was surprised by its contents during the enquiry, as he had not received a copy thereof, before the enquiry. Although it has been proved by the respondents that copies of all relevant documents had been admitted to have been received by the applicant, let us assume, for arguments sake that he did not get a copy of CA-3 before the enquiry began. We cannot agree that even if this was true, prejudice was caused to the applicant's defence because firstly CA-3 in original had been received by him, and more importantly the issue in this case is not whether the applicant has passed ITI or not but whether such requirement was mentioned in the call letter or not, and since he did submit such a certificate at the time of his interview, it can be safely inferred that he did so because he was asked to do so ^{or as also mentioned in CA-3. See} If the dispute were that he had been asked to produce such a certificate and he actually did not, certainly the non-supply of a copy of the call letter could have been construed to have caused prejudice to the applicant. But, funnily, in this case after having submitted such a certificate he is claiming that he was not called upon to do so!! He is taking this line of defence because he is further claiming that he did not submit the said certificate which was later found to have been false and fabricated. Even if it is assumed, for arguments sake, that the passing of I.T.I. was not essential, the mere submission of such a certificate (with the obvious intention of gaining an unfair advantage therefrom), being forged, calls for stringent action against the applicant. However, there is adequate evidence (through CA-3) that the applicant submitted such a certificate because it was essential for getting the appointment. We are, therefore, not convinced by the second objection of the applicant.

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5. Lastly, the averment by the applicant that he did not submit the form at the time of his interview in his handwriting and merely signed it without knowing what was being said in the form is ridiculous to say the least. A person with the qualifications that the applicant possesses (as he was not illiterate) cannot claim ignorance about what he signs, especially at the interview of a job.

6. The main issue in this case is whether the said certificate submitted by the applicant was false or not. Since the applicant has not contested that the certificate was false and it has been proved in the enquiry to be false, nothing else need be proved. As mentioned above, all the objections raised by applicant have been found to be baseless. In the circumstances we come to the conclusion that the applicant does not deserve any relief. The OA is, therefore, dismissed. No order as to costs.

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Member (J)

Sharma
Member (A)

Dube/