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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIABAD BENCH,  
ALIABAD.

O.A.No.1222 of 1987.

Jagdish Prasad Mishra .....Applicant.

Versus

Superintendent Posts & others .....Respondents.

Hon'ble Mr.Justice U.C.Srivastava,V.C.

Hon'ble Mr.K.Obayya,A.M.

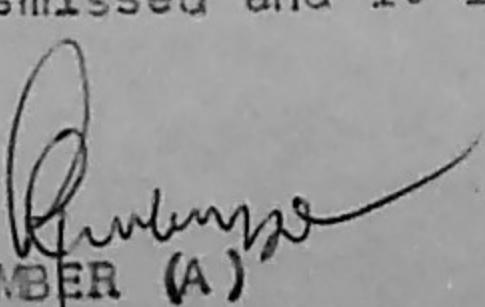
(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

The applicant was appointed as Extra Departmental Branch Post Master on 14.5.79. He was served with a memo of charge on 30.5.81. The charge against him was that the applicant in support of his educational qualification had submitted the original transfer certificate No.135 issued by Shri Rajvir Sharma- Principal of D.A.V.Higher Secondary School, Mainpuri which was found to be a forged one. An enquiry against him started and the Enquiry Officer did not find the applicant guilty. The Disciplinary Authority also, it appears, agreed with the same. Thereafter, the applicant was taken back on duty vide order dated 3.6.83. Six months thereafter i.e. on 16.12.83, the applicant was again put off duty vide Superintendent Posts' order and he was again served with a charge-sheet after 15 months of being put off duty i.e. on 28.3.85. This time, the charges were as were mentioned in the earlier charge-sheet and in which the applicant was exonerated. An enquiry was held and the applicant was held guilty of the charges this time and that is why his services were terminated vide order dated 6.5.87. He filed an appeal against the same and his appeal was also rejected vide order dated 4.8.87.

2. The contention on behalf of the applicant is that once an enquiry in respect of the same matter

had taken place and the applicant was exonerated, he cannot be charged with the same again and no fresh enquiry can take place as the same is violative of Article 20 of the Constitution of India which amounts to double jeopardy.

3. The respondents in their return, have stated that the applicant denied that he has not submitted any fake T.C. and according to the applicant, someone else replaced the original T.C. and substituted it with fake one. This plea was accepted and he was taken back on duty. When it was got verified, it was again found forged one, that is why he was again put off duty vide order dated 16.12.83 and a detailed enquiry took place and it is thereafter that his services were terminated. The transfer certificate was got verified from the educational authority - the Secretary Junior High School Examination Samiti, Mainpur who informed that the transfer certificate was not genuine and that is why the memo was issued. The applicant was given every opportunity to defend himself. The earlier enquiry was in respect of another charge-sheet and this time the enquiry was in respect of T.C. No. 135 and after enquiry, the applicant's services have been terminated and the applicant cannot be heard saying anything against it. In respect of T.C. No. 135, no finding was recorded earlier and that is why the respondents were within their right to hold an enquiry. Accordingly, the applicant has failed to make out any case to interfere with the same and the application deserves to be dismissed and it is dismissed. No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN.

DATED : NOVEMBER 30, 1992

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