

6

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.NO.430 OF 2010

Cuttack this the ~~19th~~ day of September, 2012

Siba Prasad Padhi...Applicant

-VERSUS-

Union of India & Ors. ...Respondents

For instructions

1. Whether it be referred to reporters or not ? φ
2. Whether it be referred to CAT, PB, New Delhi ? φ

(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER


(A.K.PATNAIK)
JUDICIAL MEMBER

4

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.NO.430 OF 2010

Cuttack this the ~~19th~~ day of September, 2012

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

...
Siba Prasad Padhi, aged 38 years, S/o. Ramesh Chandra Padhi, At-
Rly.Colony, Rayagada, PO/PS-Rayagada, Dist-Rayagada

...Applicant

By the Advocates: M/s.Aurovinda Mohanty & K.K.Satpathy

-VERSUS-

1. Union of India represented through the General Manager, East Coast Railways, Rail Kunj, Bhubaneswar, Dist-Khurda
2. Divisional Railway Manager, East Coast Railways, Waltair Division, Waltair, Dist-Andhra Pradesh
3. Senior Divisional Personnel Officer, East Coast Railways, Waltair Division, Waltair, Dist-Andhra Pradesh
4. Assistant Engineer, East Coast Railways, Rayagada, PO/PS-Dist-Rayagada

...Respondents

By the Advocate: Mr.S.K.Ojha, Standing Counsel

O R D E R

A.K.PATNAIK, MEMBER(J): The Applicant in this Original Application filed under Section 19 of the Administrative Tribunal Act, 1985, has sought for the following relief.

- i) *To direct the Respondents to accept the documents supplied by the Applicant vide Annexure-A/6 series, thereafter the applicant be allowed for medical test and subsequent engagement be provided to the*

8

applicant at par with other similar situated applicants.

- ii) To declare that the decision dated 30.09.2009 and 08.12.2009 vide Annexure-A/5 and A/7 are illegal and liable to be set aside which have passed basing upon the decision communicated by the Headmaster of Kakirigumma High School**
- iii) To direct the Respondents to appointment the applicant as casual labourer in view of the Annexure-A/1 and A/4 prepared by the Selection Committee with all consequential benefits.**
- iv) Further direct that the report collected by the Respondents from the present Headmaster of the School be declared as illegal in pursuant to Annexure-A/5 and A/7.**
- v) Any other appropriate order may be passed which would be deemed fit and proper in the facts and circumstances of the case.**

2. Shortly stated, the facts of the matter are that the applicant was one of the contending candidates for selection to the post of casual labourers under the Respondent-Railways in pursuance of the notification issued in the year 1996. Accordingly, a list of candidates selected for the posts was published vide Annexure-A/4 dated 13.8.2009, wherein the name of the applicant figures at SI.No.18. During the course of verification of certificates concerning educational qualification and date of birth, it could be noticed that the certificate so submitted by the applicant is not genuine and as such he was not considered fit for being appointed to the post in question.

Al

9

3. We have heard Shri Aurovinda Mohanty, learned counsel for the applicant and Shri S.K.Ojha, learned Standing Counsel for the Respondents and perused the materials on record.

4. It reveals from the counter that the Headmaster of Kakiriguma High School, Koraput where the applicant is stated to have studied, in response to communication received by him from the Railway Administration, has intimated vide Annexure-R/2 dated 28.8.2009 as under:

"...After verification of all our admission register and certificate book it is found that the certificate of Siba Prasad Padhy is not issued from this office and it is not genuine".

This statement has also been corroborated by the said Headmaster by his letter dated 02.9.2009 addressed to the Railway Authorities wherein it has been stated that the "certificate you have sent has not been issued by this office and it is not genuine".

5. Applicant has not filed any rejoinder refuting the above statement made in the counter.

6. From a perusal of the averments made in the O.A. it reveals that the applicant himself has submitted in Paragraph-4.17 as under:

"That it is also further relevant to submitted on behalf of the applicant that the applicant was a innocent boy during the year 1996 and he was not idea about genuineness and forgery of any documents but in a good


ole

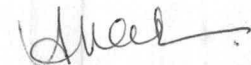
10

faith keeping reliance on the Tuition master who was supplied the said certificate. The Applicant was applied which the Applicant was no role rather the said act which is to be treated as done on bonafide belief"

6. From the above, it is clear that the applicant had submitted a fake certificate with a view to gain undue benefit out of it and therefore, the Respondent-Railways were well within their rights not to take into account the said fake certificate for the purpose of offering the applicant the appointment as a casual labourer.

For the reasons discussed above, we hold that the applicant has not been able to make out a case for any of the relief sought for. In the result, O.A. is dismissed. No costs.


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER
BKS


(A.K. PATNAIK)
JUDICIAL MEMBER