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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 271/2005

Date of order: 9.4.2010

CORAM:

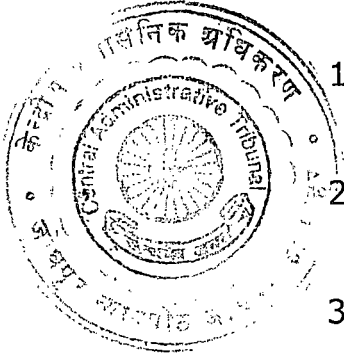
**HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER
HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER**

Sujana Ram S/o Shri Birbal Ram Ji, B/c Bheel, Aged 40 years,
R/o Village Moolsagar, District Jaisalmer, Ex-constable, Central
Excise Deptt., Jaisalmer.

...Applicant.

Mr. Arjun Purohit, counsel for applicant.

VERSUS



1. Union of India through Secretary, Ministry of Finance, Deptt. of Revenue, Govt. of India, North Block, New Delhi.
2. Chief Commissioner, Central Excise Duty (Jaipur Zone), Jaipur.
3. Commissioner, Central Excise, Jaipur (1st), Jaipur.
4. Joint Commissioner (Personnel & Vigilance) Excise Deptt., Jaipur.

... Respondents.

Mr. Vikas Seoul, proxy counsel for
Mr. Vinit Mathur, counsel for respondents.

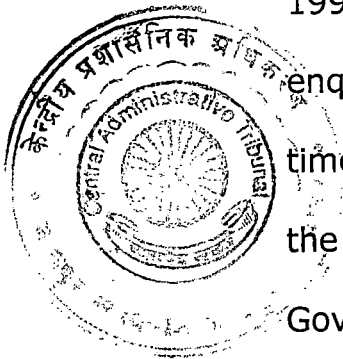
ORDER

Per Hon'ble Dr. K.S. Sugathan, Administrative Member

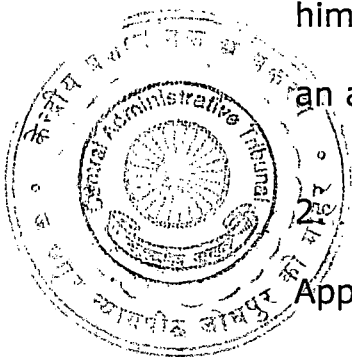
The applicant joined the services of the respondent-department as a constable in the year 1990. At the time of joining the Department, he had submitted a certificate of educational qualification issued by the Headmaster, Government Senior Secondary School, Sonu, Jaisalmer District which

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indicated his educational qualification as 8th Std Pass. In the year 1996, a complaint was received by the Police that the applicant had obtained a Government job by producing a false educational certificate. The complaint was forwarded by the Police to the respondents. The respondents in turn got the complaint enquired into. During the said enquiry the applicant stated that he studied in Lal Bahadur Shastri Senior Secondary School, Jodhpur. He also produced a copy of the transfer certificate issued on 27.06.1990 by the Lal Bahadur Shastri Senior Secondary School, Jodhpur by his letter at Annex. A/3 in which he also promised to produce the original on 20th July 1998. The certificate submitted by the applicant during the enquiry was different from the certificate produced by him at the time of appointment. Both the certificates were got verified by the respective School Headmasters. While the Headmaster of the Government School at Sonu, Jaisalmer denied that the certificate produced by the applicant was issued by that school, the Principal of the Lal Bahadur Shastri Senior Secondary School, Jodhpur confirmed that the certificate produced by the applicant during the enquiry was issued under his signature, but the original records relating to the year 1990 were destroyed in a communal riot. The applicant was issued a charge sheet on 22.10.1999 (Annex. A/4). The charge against the applicant was that he produced a false/forged certificate of educational qualification to obtain a Government job. On denial of the charge, an oral enquiry was conducted. The enquiry officer in his report held that the charge is proved. Thereupon the



Disciplinary Authority imposed the penalty of dismissal from service by his order dated 28.02.2001 (Annex. A/13). An appeal preferred by the applicant was dismissed by the Commissioner by his order dated 03.02.2004 (Annex. A/17). The applicant submitted a revision petition, which was dismissed by the Chief Commissioner by his order dated 16.07.2004 (Annex. A/1). The applicant has challenged the penalty imposed on him. It is his contention that the certificate of Government School Sonu was not submitted by him. He studied only in Lal Bahadur Shastri Senior Secondary School, Jodhpur. There is violation of the principles of natural justice as no personal hearing was given to him. He suffered loss of leg in an accident and is now living with an artificial leg. The complaint against him was anonymous.

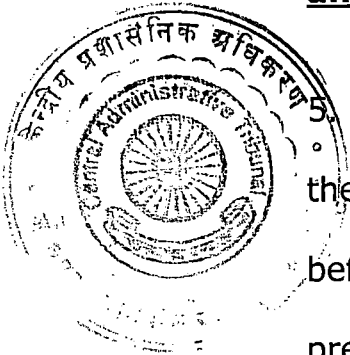


The respondents have contested the prayers in the Original Application and stated in their reply that in the oral enquiry conducted it was proved that the certificate of educational qualification submitted by the applicant at the time of his appointment was false. It is a serious misconduct. There is no violation of the principle of natural justice. Ample opportunity was given to the applicant to prove his innocence. The appellate authority had also given a personal hearing to the applicant, which was attended by him on 10.08.2001. All the required procedure has been followed and all points submitted by the applicant have been considered by the authorities.

3. We have heard the learned counsel for the applicant Shri Arjun Purohit and the learned counsel for the respondents Shri

Vikas Seoul for Shri Vinit Mathur. We have also perused the records carefully.

4. The scope of judicial review in departmental proceedings is limited to the examination of whether there is violation of any rules or regulations, whether the principles of natural justice has been complied with, whether any extraneous consideration has weighed with the authorities and whether the conclusions drawn by them are ex-facie arbitrary or capricious. Those are the principles laid down by the Hon'ble Supreme Court in the case of **B.C. Chaturvedi vs. UOI and Ors.** [1996 SCC (L&S) 80] and **High Court of Judicature at Bombay vs. Shashikant S. Patil and Anr.** [2000 SCC (L&S) 144].




We have examined the facts of this case keeping in mind the aforesaid principles. It is evident from the records produced before us that the respondents have followed the procedure prescribed under CCS (CCA) Rules before imposing the major penalty of dismissal. A formal enquiry was conducted in which the applicant had participated. Copy of the enquiry officer's report was given to the applicant as required under Rule 15 of the CCS (CCA) Rules. It is also stated in the appellate order that personal hearing was also given to him on 10.08.2001. We do not see any violation of the principles of natural justice.

We have perused the file, which contains the copy of the certificates produced by the applicant at the time of his appointment. The file contains the copy of the education certificate, copy of the caste certificate, copy of the character

certificate as well as the Bio-data filled in by the applicant. All the aforesaid certificates are attested by the Superintendent (Disposal) Customs Division, Jaisalmer on the same date i.e. on 08.08.1990. Shri H.C. Verma who attested these certificates had testified on 10.07.2000 before the Inquiry Officer that the applicant had shown the original certificates to him before attestation. The applicant had adequate opportunity before the Inquiry Officer to prove that the education certificate of Govt. Senior Secondary School, Sonu, Jaisalmer was not submitted by him. But it would appear that he could not produce any evidence to prove his claim. The education certificate submitted by the applicant at the time of the appointment was found to be false during the enquiry. The submission of a false certificate is a serious misconduct and therefore the quantum of punishment also does not appear to be disproportionate.

6. For the reasons stated above, we do not see any reason to interfere with the decision taken by the authorities after following due procedures. The Original Application is, therefore, dismissed. No costs.


(DR. K.S. SUGATHAN)
ADMINISTRATIVE MEMBER


(JUSTICE S.M.M. ALAM)
JUDICIAL MEMBER

दिनांक 17/11/15
मेरी राई 10-2-16
को पत्राचार...

केन्द्रीय प्रशासनिक विभाग
जोधपुर न्यायपीठ, जोधपुर

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16/11/15

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13/11/15