

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No. 258/2013

Reserved on 09.04.2015

Jodhpur, this the ~~20~~ day of April, 2015

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member

Harlal Sihag s/o Late Sh. Sheeshpal, aged about 27 years, resident of Molisar Bada via Santada, Tehsil and District Churu. Office address:- Last employed on the post of Trackman in N.W. Rly. Ratangarh, Dist. Churu, Raj.

.....Applicant

By Advocate: Mr. V.R.Dave on behalf of Mr. R.S.Saluja

Versus

1. Union of India through the General Manager, North Western Railway, Near Jawahar Circle, Jaipur
2. The Divisional Railway Manager, North Western Railway, Bikaner.
3. Senior Section Engineer/Railways, North Western Railway, Churu.
4. Assistant Divisional Engineer, North Western Railway, Ratangarh, Churu.
5. Senior Divisional Personnel Office, North Western Railway, Bikaner.

.....Respondents

By Advocate : Mr. Vinay Jain and Dr. Vinay Chhipa

ORDER

Per Justice K.C.Joshi

In the present OA, the applicant is aggrieved of order dated 25.6.2013 (Ann.A/1) whereby services of the applicant have been terminated,

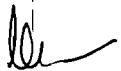
quashed and the respondents may be directed to reinstate the applicant in service with all consequential benefits as if the impugned order has never been passed.

2. Brief facts of the case are that father of the applicant was employee of the North Western Railway and after his retirement, the applicant submitted application for considering him under Liberalised Active Retirement Scheme for Guranteed Employee for Safety Staff (LARGEES). The applicant was offered temporary appointment on 20.9.2012 after document verification and obtaining fitness certificate from the Divisional Medical Officer, Bikaner/Lalgarh. The applicant was appointed as Trainee Trackman with a condition that if his character is not found to be free from any adversity, his services will be terminated. The applicant has stated that a criminal complaint was filed against him and 3 others on 25.5.2009 which was forwarded to the police u/s 156(3) Cr. P.C. and after investigation the police submitted negative final report. After trial the applicant was acquitted of the alleged offences against him. On account of aforesaid case, the District Collector Churu and Superintendent of Police, Churu vide report dated 8.11.2012 and 12.10.2012 specifically stated that a case under Section 323 and 34 IPC was filed against the applicant but he did not disclose the same in the attestation form. However, the applicant was acquitted on 22.05.2012, but pursuant to the Railway Board letter dated 20.2.2013, the respondent department vide impugned order dated 25.6.2013 (Ann.A/1) terminated the services of the applicant. Therefore, aggrieved of termination of his services, the applicant has filed the present OA praying for quashing the order

3. By way of reply to the OA, the respondents have submitted that while applying under the LARGESS, the applicant has submitted Attestation Form and submitted affidavit. From perusal of Attestation Form submitted by the applicant, it is ex-facie clear that item No. 11(b) related to query that 'Have you even been prosecuted ?' and the applicant intentionally did not disclose the true facts with regard to criminal proceeding and answered the same as 'No'. But the Superintendent of Police, Churu vide letter dated 12.10.2012 had informed the District Magistrate, Churu that the applicant was prosecuted in a criminal case bearing Criminal Case No. 44 dated 8.6.2009 which was tried against the applicant. The District Magistrate, Churu vide letter dated 8.11.2012 furnished the aforesaid information to the respondents and therefore, pursuant to instructions contained in Railway Board letter dated 20.2.2013, the respondents terminated the services of the applicant vide letter dated 25.6.2013 (Ann.A/1), which is in consonance with law.

4. Heard both the parties. The controversy involved in this OA has already been decided by this Tribunal vide order of even date in OA No. 320/2013-Ramjee Lal Meena vs. UOI, by which after following the ratio decided by the Hon'ble Apex in the case of Devendra Kumar vs. State of Uttranchal reported in 2013 STPL (WEB).) 608 SC that suppression of material information sought by the employer or furnishing false information itself amounts to moral turpitude and is sufficient to warrant dismissal from service and is separate and distinct from the involvement in a criminal case, this Tribunal has dismissed the OA,

by the aforesaid judgment. In this case also from a bare perusal of record, there is sufficient evidence that the applicant has suppressed the material facts or pendency of criminal case/pendency of FIR or any proceedings against the applicant, therefore, without elaborately discussing the matter, the present OA is dismissed being bereft of merit with no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE K.C.JOSHI)
Judicial Member

R/

Final copy
for
24/4/19
Dr R.S. Selvar

22/4