

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

Dated:- **22 JUL 1994**

APPLICATION NUMBER: 832/93

APPLICANTS:

Sri. B.N. Krishna Murthy vs. Regional Provident Fund Commissioner  
I.o. Bangalore and others

RESPONDENTS:

① Sri. M. Ashwathanarayana Reddy,  
Advocate, First floor, Swastik Complex,  
Opp: Seshadripuram Police Station,  
S.C. Road, Bangalore-560020.

② Sri. M. Vasudeva Rao, Addl. C.G.S.C.  
High Court Bldg, Bangalore-1

Subject:- Forwarding of copies of the Orders passed by the  
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ~~ORDER/~~  
~~STAY ORDER/INTERIM ORDER/~~, passed by this Tribunal in the above  
mentioned application(s) on 13-07-94.

Issued on  
25/7/94  
R

of c

for *[Signature]*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

APPLICATION NO.832/1993

DATED THIS THE THIRTEENTH DAY OF JULY, 1994

Mr. Justice P.K. Shyamsundar, Vice Chairman

Mr. T.V. Rameshan, Member (A)

Sri B.N. Krishnamurthy  
Son of S.M. Narayana  
Working as Lower Division Clerk  
Employees Provident Fund  
Office of the Regional Provident  
Fund Commissioner  
Rajaram Mohan Roy Road  
Bangalore-25. .... Applicant

(By Shri M. Ashwathnarayana Reddy, Advocate)

Vs.

1. The Regional Provident Fund  
Commissioner, Karnataka  
"Bhavishya Nidhi Bhavan"  
No.13, Rajaram Mohan Roy Road  
Bangalore-25.
2. Deputy Commissioner  
Bangalore District, Bangalore.
3. The Tahsildar  
Bangalore North Taluk  
Bangalore. .... Respondents

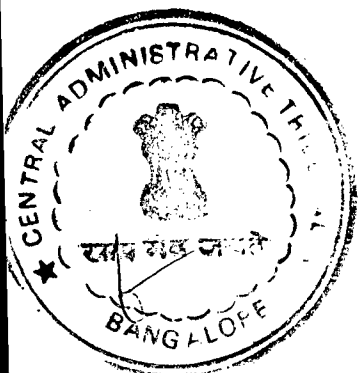
(By Shri M.V. Rao, A.C.G.S.C.)

O R D E R

(Mr. Justice P.K. Shyamsundar, Vice Chairman)

Heard both sides. Notice to R-2 and 3 dispensed  
with.

2. The applicant who is an L.D.C. in the office of  
the first respondent, i.e., the Regional Provident Fund  
Commissioner, Karnataka, Bangalore, contest the order made by  
the aforesaid respondent as per Annexure-A1 under which his job



was terminated. The brief order does not disclose any reason for the termination. It reads...

MEMORANDUM

In pursuance of para 8(3) of the E.P.F. (Staff and conditions of Service) Regulation 1962, I, Sri S.M. Basappa, Regional Provident Fund Commissioner, Karnataka Region, hereby give notice to Sri B.N. Krishna Murthy, Lower Division Clerk that his services shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on or, as the case may be tendered to him. "

Since the impugned order does not support itself by stating the reasons for making the order, we thought it appropriate to investigate into the circumstances under which the impugned order came to be passed. After issuance of notice to R-1, acting through the Standing counsel, he has filed his reply, and has pointed out that the applicant had obtained a bogus caste certificate from the Tahsildar of Bangalore North Taluk, certifying that he belonged to the S.T. Kadukuruba category. The basis of terminating the applicant's service is that the above certificate purportedly obtained from the Tahsildar is false and a bogus one. It is urged that the duplicity was so apparent that the Tahsildar who is supposed to have issued the certificate (Annexure-A13) however found that it was not issued by him at all as could be seen from Annexure-R1, the Deputy Commissioner's letter dated 8th July, 1993 which reads as follows:-

" Sub:- Verification of Caste Certificate of Sri B.N. Krishna Murthy.

Ref:- Your letter No.KN/PF/ADM/1/37/93 dated 8.4.1993.

The Tahsildar, Bangalore North Taluk in his letter No.MBC.APT.(1).35/93-94 dated 24.6.1993 has reported that the above candidate's certificate

has been verified and it is not issued from this office.

Connected papers accompany. "

The above communication is really somewhat didactic and lends itself to a totally equivocal interpretation. Whether it did mean that the Tahsildar having verified the candidate's certificate had said that it had not been issued from his office or whether the Tahsildar had verified the certificate but the said certificate was not issued from the Deputy Commissioner's office, we are unable to decipher what exactly the communication pretends. Learned Standing Counsel was also unable to tell us what the letter actually conveyed. In this state of perplexity, we think it appropriate to point out that if it is actually on the basis of the communication of the Deputy Commissioner's letter, the impugned order of termination came to be made treating the same as supporting a conclusion that the certificate produced by the applicant was really a bogus one and it was a case of perpetuating a fraud on administration, we must state that however well founded is the view that the applicant had secured a job on false pretext by producing false caste certificate etc., etc., but the man having been axed during the period of probation in that his services having been terminated within one year of his appointment, that stipulated a probation period of 2 years with effect from 22.5.1992 as indicated in Annexure-A7, what now becomes very obvious is that the applicant had been punished for a misconduct, i.e., of producing a bogus caste certificate. If that is so, it was very necessary for the department to hold an enquiry before terminating his services. In this view of the matter, we find the impugned order suffers gravely from a procedural irregularity. We, therefore, allow this application and quash Annexure-A1.



However, we reserve liberty to R-1 to take appropriate action if need be after holding an enquiry as indicated above. The application is disposed of as aforesaid.  
No costs.

*Sch*  
*ur*  
(T.V. RAMANAN)  
MEMBER(A)

*Sch*  
(P.K. SHYAMSUNDAR)  
VICE CHAIRMAN

TRUE COPY

MT.

*P. Shauhar*  
*22/7*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE