

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1138 of 1994

Date of Decision: 19.06.2000

Ramchandra Tuljaram Pardeshi

Applicant.

Shri P.G. Zare.

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri S.C. Dhawan.

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. L. Hmingliana, Member (A)

Hon'ble Shri. Rafiquddin, Member (J)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

Yes
X
Dhawan
1962K

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI.

REGISTRATION NO. OA 1138 OF 1994

DATE OF ORDER : 19.06.2000

Ramchandra Tuljaram Pardeshi, Ex-Canteen Bearer, aged about 25 years, resident of Bhusawal, Dhobipura.

.....APPLICANT.

By Advocate Shri P.G. Zare.

Versus

1. Union of India through the General Manager, C.Rly., Bombay VT (R-1)
2. Chief Works Manager (Electric Loco Workshop, Central Railway, Bhusawal.

....RESPONDENTS.

By Advocate Shri S.C. Dhawan.

C O R A M

Hon'ble Mr. L. Hmingliana, Member (A)

Hon'ble Mr. Rafiquddin, Member (J)

O R D E R

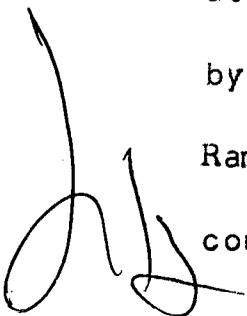
L.Hmingliana, Member (A):-

The applicant was a Canteen Bearer, ELW, Bhusawal under the Central Railway, and he was removed from service by order dated 30.12.1993. He filed appeal against the order of his removal, and the appeal was dismissed on 8.5.1994. The OA is against both the orders.

2. It is stated in the reply filed by respondents that the applicant was appointed on compassionate grounds after the death in harness

of one Tuljaram Pardeshi, a railway employee, and he got the employment by fraud by producing a false school leaving certificate purporting to be issued by the Head Master, Municipal High School, Bhusawal, showing his name as Ramchandra Tuljaram Pardeshi, and his date of birth as 15.3.1971, and that the school authority, on inquiry, informed the respondents by their letter dated 6.5.1992 that no person with the name Ramchandra Tuljaram Pardeshi was a student of the school, and the certificate was bogus, and that the applicant himself admitted that the certificate was false. It is further stated that the applicant was actually a student of D. L. Hindi High School, Bhusawal, with his name entered in the school register as Ramchandra Babu Lal Chandan, with his date of birth as 15.3.1969, and the applicant has admitted these to be his real name and date of birth.

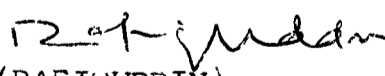
3. Though it has not been directly stated by the respondents in reply, it is clear enough that the applicant falsely presented himself as the son of the late Shri Tuljaram Pardeshi, and he secured the employment on the basis of a false certificate. His attempt has been to throw the blame on Shri S.H.Moghe by saying that he was the one who changed his name to Ramchandra Tuljaram Pardeshi. In fact, his learned counsel, Shri P.G. Zare merely contended that the

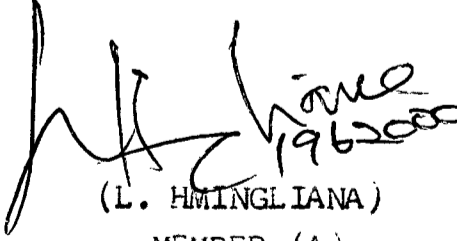


removal of the applicant had to be reversed, as he had not been given the opportunity to cross-examine Moghe, whose examination-in-chief was taken by the inquiry officer. Shri S.C. Dhawan, learned counsel for the respondents stated that the evidence of Shri Moghe was not the basis of the order of removal of the applicant from service, and that the order was passed upon the false documents which the applicant had admittedly produced to secure the employment.

4. Though the applicant was not given the chance to cross-examine the only prosecution witness examined by the inquiry officer, we find that the case for awarding the punishment of removal from service to the applicant was sufficiently established on the basis of the false certificate produced by him, which he did not deny. In fact, we find that he obtained his appointment on compassionate grounds by fraud. Then he has no case for grant of relief by the Tribunal.

5. The application is dismissed, with no order as to costs.


(RAFIQUDDIN)
MEMBER (J)


(L. HMINGLIANA)
MEMBER (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

REGISTRATION NO. RA No. 41 of 2000

(Arising out of order dt. 19.6.2000 passed in OA 1138/94)

DATE OF ORDER:

Ramchandra Tuljaram Pardeshi Applicant.
Versus
Union of India & another Respondents.

ORDER BY CIRCULATION

L. Hmingliana, Member (A):-

This petition is for reviewing the order pronounced on 19.6.2000 in Mumbai Bench of the Tribunal by us, dismissing the OA 1138/94 filed by the applicant against the order of his removal from service dated 30.12.1993.

2. The review petition has to be dismissed by circulation for the following reasons;

The removal of the applicant was on the ground that he had secured his appointment on compassionate ground by fraud. In the impugned order passed by us, we clearly showed that the applicant secured his appointment on compassionate ground by producing false school leaving certificate showing his name as Ramchandra Tuljaram, while ^{never} he studied in the school, and his name was actually Ramchandra Babu Lal Chandan as entered in the school register of D.L. Hindi High School Bhusawal where he studied.

3. It is not the case of the applicant even in this review petition that he was actually the son of the late Shri Tuljaram Pardeshi. The review petition is entirely frivolous.

4. The review petition was filed 14 days after the time limit, and condonation petition has also been filed along with the petition. In view of the circumstances,

condonation is granted, but as we have said, the review petition has to be dismissed by circulation, and is hereby so dismissed.

Rafiquddin
(RAFIQUDDIN)
MEMBER (J)

L. Hmingliana
(L. HMINGLIANA)
MEMBER (A)