

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

T.A. NO. 614/86

Date of decision: 13.4.94

ASHA SHARMA

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. J.K. Kaushik : Counsel for the applicant.

Mr. U.D. Sharma : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. B.B. Mahajan, Administrative Member

PER HON'BLE MR. B.B. MAHAJAN, ADMINISTRATIVE MEMBER:

Late Shri Alakh Behari Sharma has filed a writ petition in the High Court of Judicature for Rajasthan, Jaipur praying for quashing of the penalty of compulsory retirement imposed on him by the Reviewing Authority as also the penalty of reduction by 14 stages imposed by the Disciplinary Authority. These penalties have been imposed on the ground that the applicant had obtained employment by submitting a forged certificate of High School Examination and false marks-sheet and for showing incorrect date of birth in his application form. The writ petition has been transferred to this Tribunal u/s 29 of the A.T. Act, 1985. We have heard the learned counsel for the parties.

2. The charges of submission of fake marks-sheet and incorrect date of birth have been admitted by the applicant. It cannot be held that the punishment of compulsory retirement on the basis of these proved charges is so perverse as to justify interference by the Tribunal. The main plea taken by the learned counsel for the applicant is that some officials who had been guilty of similar charges had been treated lightly and lesser punishments have been imposed upon them. The respondents have in their reply stated that in all cases where the officials were found guilty of only submitting forged marks-sheets, the Member (Administration), P & T Board,

New Delhi awarded the penalty of reduction of pay to the minimum in the time scale of pay for a period of seven years and in those cases where the employees were found guilty of both false submission of marks-sheets and submission of wrong date of birth, the penalty was enhanced to that of compulsory retirement. The applicant has not been able to substantiate the charge of discrimination by the Reviewing Authority.

3. There is no merit in the petition and the same is dismissed. Parties to bear their own costs.

B. B. Mahajan
(B.B. MAHAJAN)
Administrative Member

D. L. Mehta
(D.L. MEHTA)
Vice-Chairman