

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.69/90.

Date of Judgment 16.7.1991.

G.Haranadha Rao

.. Applicant

Vs.

1. Union of India,
represented by
Secretary,
Ministry of Defence,
New Delhi-110001.
2. Flag Officer,
Commanding-in-chief,
Headquarters
Eastern Naval Command,
Visakhapatnam-530014.
3. Admiral Superintendent,
Naval Dockyard,
Visakhapatnam.

.. Respondents.

Counsel for the Applicant : Shri T.Jayant

Counsel for the Respondents : Shri N.V.Ramana,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn)]

This application has been filed by Shri G.Haranadha Rao
under section 19 of the Administrative Tribunals Acts, 1985
against the Union of India, represented by the Secretary,
Ministry of Defence, New Delhi-110001 and 2 others.

2. The applicant was serving as Eng. Fitter Gr.II
w.e.f. 5.9.77 in the Naval Dockyard, Visakhapatnam.

On 31.3.86, a charge-sheet was served on him alleging that

he submitted a false document viz: I.T.I. provisional certificate dated 31.7.72 on the basis of which he secured the employment. It is stated by the applicant that in the enquiry conducted the charge has not been established. After the completion of the enquiry vide order dated 6.3.89 he was removed from service by the competent authority who agreed with the findings of the Inquiry Officer. He preferred an appeal which was rejected. Hence this application in which he prays that the order of removal from service and subsequent rejection of the appeal be declared illegal.

3. The respondents oppose the application. It is their case that they had followed the required procedure in the course of which they have clearly established the charge against the applicant and hence the punishment.

4. We have examined the case and heard the learned counsel for the applicant and the respondents. We find from the documents enclosed to the application that the respondents had written to the Principal, Govt. I.T.I. College, Kakinada on 22.3.86 enquiring if the certificate given to the applicant was genuine or not. In his reply dated 24.3.86, the Principal Govt. I.T.I. College, Kakinada has stated that the trade fitter case was not genuine since there was no Roll No.26 in the 'C' form of fitter trade of the AITT held in July, 1972. The Inquiry Officer who conducted the enquiry found the applicant guilty of the charge levelled against and thereafter the disciplinary authority imposed the punishment and the subsequent appeal had also been rejected. Among the grounds


23


2nd page

on which he has filed the application the applicant questions the action of the respondents 10 years after his appointment. It is also pleaded that the submission of the certificate (false) was done as an applicant for a Civil post and it was not in the course of performance of his duties as a Civil servant and, therefore, is not violative of Rule 3 of the C.C.S. (Conduct) Rules. He also questions that after allowing him to serve for so long and after giving him promotion in 1985 the respondents ~~have~~^{are} estopped from reopening of the case. Here is a case where an official commits a fraud and secures a job on a false certificate. He has no right to the employment at all and that the respondents acted much later does not stop them from proceeding against a basic fraud. He has, therefore, no case on this ground. In the course of the hearing the learned counsel for the applicant pointed out that a copy of the enquiry report was not furnished to the applicant before imposing the punishment. It is seen from the order dated 6.3.89 imposing the punishment that a copy of the enquiry report was given alongwith the punishment order. The punishment order is dated 6.3.89. and In the judgment dated 20.11.90 in the case of Union of India and others Vs. Mohd. Ramzan Khan the Hon'ble Supreme Court have held that furnishing a copy of the enquiry report before imposing the order of punishment is essential but this order shall have only prospective application and no punishment imposed shall be open to challenge on this ground.


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It is, therefore, not possible to apply this case to the applicant. Under these circumstances the application is dismissed with no order as to costs.


(J.Narasimha Murthy)
Member(Judl).


(R.Balasubramanian)
Member(Admn).

22
Dated 16th July 91


Deputy Registrar(J)

- To
1. The Secretary, Union of India, Ministry of Defence, New Delhi-1.
 2. 2. The Flag Officer, Commanding-in-Chief,
Headquarters, Eastern Naval Command, Visakhapatnam-14.
 3. The Admiral Superintendent, Naval Dockyard, Visakhapatnam.
 4. One copy to Mr.T. Jayant, Advocate, CAT.Hyd.Bench.
 5. One copy to Mr.N.V.Ramana, Addl. CGSC..CAT.Hyd.
 6. One copy to Hon'ble Mr.J.Narasimha Murthy, Member(J) CAT.Hyd.
 7. One spare copy.

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TYPED BY _____ COMPARED BY _____
CHECKED BY _____ APPROVED BY _____
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR _____ V.C.
AND
THE HON'BLE MR. _____ M(J)
AND
THE HON'BLE MR. J. NARASIMHA MURTY: M(J)
AND
THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATED: 16 - 7 - 1991

~~ORDER~~/ JUDGMENT

M.A./R.A./C.A. No. _____
in

D.A. No. 69/90

T.A. No. _____

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

Central Administrative Tribunal
(W.P.) DESPATCH
29 JUL 1991
HYDERABAD BENCH.

17/7/91