

(62)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.618/91

Date of Order: 23.3.94

BETWEEN :

M.Durga Rao

.. Applicant.

A N D

1. Union of India, rep. by
the Secretary, Ministry of
Communications,
New Delhi - 1.
2. Telecom District Manager,
West Godavari,
Eluru - 534 050.
3. Divisional Officer (Engg.)
O/o the Dy. GM Telecom,
West Godavari District,
Eluru - 534 050.

.. Respondents.

Counsel for the Applicant

.. Mr.T.V.V.S.Murthy

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (ADMN.)

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Order of the Division Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Jud1.).

This is an application filed under Section 19 of the Administrative Tribunals Act to set aside the dismissal order dated 17.3.1990 passed by the Disciplinary Authority and as confirmed by the Appellate Authority as per the orders dated 21.6.90 and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this O.A. in brief are as follows:-

2. The applicant herein was selected and appointed as Telecom Office Assistant by the Divisional Engineer Telecom, Eluru w.e.f. 14.9.82. While so, it came to the notice of the competent authority that the applicant without having the required eligibility, has secured the appointment by producing bogus certificates. The applicant was given opportunity to produce the original certificates with regard to his educational qualification. The applicant informed the 3rd respondent that the original certificates were lost in floods. He also failed to produce the duplicate copies of the certificates after obtaining them from the educational institution ^{where} the applicant had studied. A charge sheet was issued under CCS (CCA) Rules, 1965 alleging that the applicant had secured the appointment as Telecom Office Assistant by producing bogus certificates and false information before the competent authority. An enquiry officer was appointed. The enquiry officer submitted his report to the disciplinary authority. The disciplinary

authority accepted the findings of the enquiry officer and as per the orders dated 17.3.90 dismissed the applicant from service, after taking into consideration the enquiry report, the representation of the applicant to the said enquiry report and other material. As against the dismissal order dated 17.3.90 the applicant submitted an appeal on 26.4.90 to the competent authority. The appellate authority dismissed the appeal of the applicant as per its orders dated 21.6.90. The applicant has approached this Tribunal to set aside the dismissal order passed against the applicant dated 17.3.90 as already indicated.

3. Counter is filed by the respondents opposing this O.A.

4. We have heard today Mr.T.V.V.S.Murthy, learned counsel for the applicant and Mr.N.V.Raghava Reddy Standing Counsel for the respondents.

5. It is not in dispute that at the time the applicant applied for the said post he had furnished information to the respondents that the applicant had studied in Z.P.H. School Tamirisa, Krishna District and that he had secured 0% of marks excluding in S.S.C. examination. During the course of the preliminary enquiry by the respondents the Head Master of the said school had stated that the applicant had never studied in that school and he had not appeared through the school and he had never secured 80% of marks. During the course of the regular enquiry the enquiry officer had rightly examined the Headmaster of the Z.P.H.

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School whose name of Headmaster is A.Venkat Rao. The said Venkat Rao had stated in his evidence that the applicant herein had not studied in the ZPH School Tamirisa, Krishna District as per the school records. The Headmaster, ZPH School does not have any motive to speak falsehood as against the applicant. He is a respectful man, he is an independent witness. He has given evidence with reference to the school records of Z.P.H.School. The evidence of Venkat Rao conclusively establishes that the applicant had never studied in the said school and had not secured 80% of marks in the S.S.C. examination. It is quite evident from the facts and circumstances of the case that the applicant had produced before the competent authority at the time of applying to the said post false information with regard to the educational qualification, with regard to the school he had studied and with regard to the marks he obtained in the SSC examination. As the applicant had never secured 80% of marks in SSC the applicant had absolutely no eligibility to get appointed as TOA. But for the bogus certificates he had produced, the applicant could not be selected atall. So, as the applicant had obtained the appointment by deceitfulmeans by giving false information and by producing bogus certificates, the disciplinary authority was fully justified in ordering dismissal and the appellate authority was also right in upholding the order of dismissal passed by the disciplinary authority. We do not find any error in the orders passed by the disciplinary authority and appellate authority. We may also point out that this is a case where absolutely the applicant had no

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right to hold the post. It is only a person who is eligible to the post if selected and appointed would got a right to hold the post and continue in the post. This is a case where absolutely the applicant did not ~~had~~ ^{have} eligibility for appointment to the post of T.O.A. So, in view of this position, the OA is liable to be dismissed. We ~~do~~ ^{do} not find any merits in this OA and hence this OA is dismissed. Parties shall bear their own costs.

H.Rajendra Prasad
(H.RAJENDRA PRASAD)
Member (Jdn.)

23 MAR 94

T.C. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 23rd March, 1994

(Dictated in Open Court)

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Amalg 6-54
Deputy Registrar (Judl.)

Copy to:-

1. Secretary, Ministry of Communications, Union of India, New Delhi-1.
2. Telecom District Manager, West Godavari, Eluru-050.
3. Divisional Officer(Engg.), O/O Dy. G.M.Telem, West Godavari Dist, Eluru-050.
4. One copy to Sri. T.V.V.S.Murthy, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

27/6/84
TYPED BY

COMPARED

CHECKED BY

APPROVED

IN THE CENTRAL ADMINISTRATIVE
HYDERABAD BENCH AT HYD

THE HON'BLE MR.JUSTICE V.NEELA
VICE CHAIR
AND

THE HON'BLE MR.A.B.GORTHI : ME
AND

THE HON'BLE MR.TCCHANDRASEKMAR
MEMBER(

AND

THE HON'BLE MR.R.RANGARAJAN :

Dated: 23/3/1994

ORDER/JUDGMENT

H.A/R.A./C.A/NO.

O.A.NO.

618791

T.A.NO.

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

