

IN THE CENTRAL ADMINISTRATIVE TRIBUNALS ACT : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 967/92

Date of decision: 24-2-93

BETWEEN :

M.Narasimha 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,
West Godavari District.
3. Divisional Engineer,
Telecommunications,
Eluru, W.G.Dt.

.. Respondents.

Counsel for the Applicant

.. Mr.T.Jayant

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUD.L.)

----- *T.C.R*

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Judgement of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Jud.).

This is an application filed under Section 19 of the Administrative Tribunals Act to set aside the dismissal order dt.15.6.1991 passed by the 3rd respondent as against the applicant and confirmed by the 2nd respondent as per the Appellate order dt. 26.10.1991 with all consequential benefits and monetary benefits to the applicant.

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

2. The applicant was selected and appointed as Telecom Office Assistant (TOA) in the II Half Year 1980 Recruitment as per the advertisement in the newspapers. Subsequently it came to light that the applicant ~~herein~~ ^{with} had submitted forged educational certificates ~~regarding~~ to his educational qualifications and had succeeded in securing the job of Telecom Office Assistant. Inspite of opportunities to the applicant by the respondents to produce the originals or authenticated duplicate copies with regard to his educational qualifications, the applicant did not produce any of the certificates showing the educational qualifications. So, on 27.3.1985 the applicant was charged sheeted under the C.C.S. Rules on the ground that he secured the job of Telecom Office Assistant w.e.f. 3.2.1981 after submitting forged educational qualification documents/certificates. The applicant denied the charge that was framed against him.

3. A regular departmental enquiry was conducted. After recording oral evidence and considering the documentary ~~and~~ evidence that was filed, the applicant was dismissed by the 3rd respondent as per his orders dt. 15.6.1991, from

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the post of Telecom Office Assistant. The applicant preferred an appeal to the second respondent on 27.7.1991. The second respondent dismissed the appeal as per his orders dt. 26.10.91. So, challenging the dismissal order, the applicant had filed the present O.A. as already indicated above.

4. We have heard on admission ~~as~~ this O.A. Mr.T.Jayant, Advocate for the applicant and Mr.N.V.Ramana, Standing Counsel for the respondents.

5. The entire enquiry file had been placed before us and we have also gone through the enquiry file. Even though the case of the respondents is, that the applicant had submitted forged documents with regard to the educational qualifications in securing the post of Telecom Office Assistant, it is significant to note that the applicant had not at all pleaded in his O.A. where he had studied, his educational qualifications and dated of years of passing the examinations and also marks that had been secured by him. It is very much necessary for the applicant in this O.A. that the essential facts with regard to his educational qualifications, the periods of study in the said educational institutions, the marks he had obtained have to be established by pleading the said facts. But very strangely the applicant had not chosen to do so. As the applicant is guilty of suppression of material facts, which are within the knowledge of the applicant, this O.A. is liable to be rejected in limine.

6. When this O.A. came up for admission hearing on 4.11.1992, the Bench had passed the following order:-

"Mr.T.Jayant, for the applicant and Mr.N.V.Ramana, Standing Counsel for the respondents are present.

This O.A. is filed to set aside the dismissal order of the applicant dated 15.6.91 as Postal Assistant, the applicant had been dismissed from service after holding departmental enquiry on the ground that he had secured appointment by placing forged

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documents before the department. In view of the stand of the respondents we hereby direct the applicant to file a detailed affidavit with regard to his educational qualification/qualifications, the institutions where he had studied, the years of study, the marks he had obtained within 4 weeks from today. If the applicant fails to file a detailed affidavit as ordered above we make it clear that adverse inference would be drawn to the case of the applicant and that the O.A. is liable to be rejected. List this O.A. for orders on 15.12.92."

Sd/-
(HTCSR)
M(J)

After taking repeated adjournments, the applicant along with his affidavit had filed before this Tribunal a xerox copy of the marks certificate said to have been issued by the Head Master of the George Coronation High School, Machilipatnam (A-1) and also a xerox copy of the Provisional Certificate of the Andhra University that he had qualified for the Degree of Bachelor of Arts of Andhra University in the year 1979. In the affidavit accompanying the said document the applicant had averred that he studied in the George Coronation High School, Machilipatnam, Krishna District and he passed SSLC Public Examination held in November 1970, with 257 marks and thereafter, he studied at AK Kalasala Machilipatnam and B.A. Degree Examination, of Andhra University in 1978. He had submitted copies of marks he secured in the SSLC Public Examination and copy of B.A. Degree certificate said to be now available with the applicant. To verify the truth or otherwise of his educational qualification we have gone through the disciplinary enquiry file. At the time of his appointment the applicant had submitted attestation form showing his educational qualification. In the said Attestation form he had shown that he had studied in Municipal High School in Kakinada in the year 1970 and that he had left the school in the year 1971 after passing Xth Class. He has also stated

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that he had studied in the AK Kalasala, Machilipatnam from the year 1971 and that he left in the year 1978 after passing B.A. Degree Examination. So, as could be seen, at the time of entry into service as Telecom Office Assistant, the applicant had clearly stated that he had studied Municipal High School, Kakinada and passed Xth class and that he has also studied in AK Kalasala, Machilipatnam from 1971-1978 and passed B.A. Degree Examination. No documents/certificates had been produced by the applicant before the Enquiry authority showing that he had studied at Municipal High School, Kakinada or AK Kalasala, Machilipatnam. In the departmental enquiry the applicant had given evidence. The applicant had been specifically asked the following question by the enquiry officer.

Q. "Can you say in which school you have actually studied 10th class?"
The answer was by the applicant is
A. "I can't say at present."

The fact that the applicant had studied in the Municipal High School, Kakinada had been found to be false by the enquiry authority. The disciplinary authority had come to the conclusion that the applicant had not studied in the Kakinada High School as stated by him while securing appointment and that he had also not passed the B.A. Degree Examination in the year 1978 as stated by him while securing the said post of Telecom Office Assistant. As could be seen before the enquiry authority the applicant had not produced any material with regard to educational qualifications and also the institution where he had studied. So, as the applicant had not studied in Kakinada High School, and he had also not passed B.A. Degree Examination in the year 1978, it is quite evident that the applicant had submitted forged documents before the respondents for securing the appointment as Telecom Office Assistant. So, for deceiving the respondents in securing the said job by placing forged documents

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the applicant had been rightly dismissed from service and we do not see any grounds to admit this application as the applicant had failed to produce any material to show that he had studied in Kakinada High School in the year 1971 and that he had also passed his B.A. Degree examination in the year 1978.

7. Now coming to the documents that are placed before us the question is whether any reliance can be placed on the said documents. The applicant admittedly had never stated to the competent authority at the time of his selection as TOA (Telecom Office Assistant) that he had studied at Machilipatnam. The marks he had obtained in the SSLC examination had also not been placed before the competent authority. It is only for the first time and that too in view of our specific direction given to the applicant to disclose his educational qualifications that the applicant had come forth with the copy of certificate of the marks of SSLC examination to show that he had passed SSLC examination in the year 1970. As a matter of fact the said Xerox copy of the certificate showing the marks of the applicant does not relate to Kakinada Municipal High School, but the certificate of marks relates to George Coronation High School, Machilipatnam. It was not the case of the applicant in the disciplinary enquiry that he had studied in the George Coronation High School. The applicant seems to have produced a false certificates before the respondents with inflated marks so as to qualify himself for the post of Telecom Office Assistant. So, in view of the statement of the applicant at the time of securing the job that he had studied in Kakinada High School, no credence can be given to the Xerox copy of the certificate of the Head Master of the High School, Machilipatnam produced before us. The Xerox copy of the B.A. Provisional certificate would go to show that the applicant had studied and had passed Part I

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comprising English and Telugu in Third Class in the year 1978, Part II comprising History and Politics in the year 1978 and Part III Economics in the year 1979 in IIIrd Class. So, as could be seen from the said certificate he had obtained B.A. Degree only in the year 1979. The xerox copy of the B.A. Degree Provisional certificate placed before us had not been filed before the competent authority at the time of his appointment. But only forged B.A. Degree certificate showing that he has passed B.A. Degree Examination in the year 1978, had been filed. So, as the said copy of the ~~said~~ provisional certificate that he had passed B.A. Degree Examination in the year 1979 had never been ~~shown~~ disclosed by the applicant either to the appointing authority or to the disciplinary authority, the provisional certificate filed now before us would not advance the case of the applicant in any way to show that the applicant had passed B.A. Degree Examination in the year 1978 as had been stated to the appointing authority at the time the applicant was appointed as Telecom Office Assistant. To put in one sentence never the applicant had disclosed prior to 20.12.1992 that the applicant had studied in the said High School, Machilipatnam and that he had passed his B.A. Degree Examination compartmentally and got the Degree in the year 1979. It is evident that the applicant had secured the post of Telecom Office Assistant by deceitful means, by producing passed educational certificates with inflated marks. So, this is a fit case where orders have got to be passed in the shape of instant rejection of this O.A. as this O.A. is not at all a fit matter for adjudication.

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In the result this O.A. is rejected summarily under the Provisions of 19(3) of the Administrative Tribunals Act, leaving the parties to bear their own costs.

T. C. R.
(T. CHANDRASEKHARA REDDY
Member (Jud1.))

Dated: 24 February, 1993

SP/3/93
Deputy Registrar (J)

To

1. The Secretary, Ministry of Communications,
Union of India, New Delhi-1.
2. The Telecom District Manager, West Godavari Eluru,
West Godavari District, — 534 050.
3. The Divisional Engineer,
Telecommunications, Eluru,
West Godavari Dist. — 534 050.
4. One copy to Mr.T.Jayant, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One spare copy.

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*Debbar
SP/3/93*

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO : V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY : MEMBER (J) T

AND

THE HON'BLE MR.

DATED: 24-2-1993

ORDER/JUDGMENT:

R.P./C.P/M.A. No.

in

C.A. No. 967/92

T.A. No.

(W.P. No.)

Admitted and Interim directions issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

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12/93

Central	Administrative Tribunal
DEPT. TCH	
, 9-3-1993	
HYDERABAD BENCH.	