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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 217/92.

Dt. of Decision : 24.10.94.

P. Venkateswara Rao

.. Applicant.

vs

1. Union of India
rep. by the Secretary
Ministry of Communications,
New Delhi.
2. Member (Personnel)
Telecommunications Board
Samachar Bhavan,
New Delhi.
3. Director
Telecom Guntur Area
Guntur, Guntur Dt.
4. Divisional Engineer
Telecom, Eluru
W.G. District.

.. Respondents.

Counsel for the Applicant : Mr. T.V.V.S. Murthy for
Mr. T. Jayant

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

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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O.A. 217/92.

Dt. of Decision : 24-10-94.

ORDER

¶ As per Hon'ble Shri A.V. Haridasan, Member (Judl.) ¶

This application filed under section 19 of the Administrative Tribunals Act is directed against the order dt. 10.6.1987 (Annexure A-9) issued by the 4th respondent dismissing the applicant from service and order dt. 27.7.1987 (Annexure A-11) of the Director, Telecom, Guntur Area, Guntur (3rd respondent) rejecting the appeal.

2. The facts in brief are as follows:

3. The applicant was appointed as a Telephone Operator w.e.f., 15.4.82 by the Divisional Engineer, Telecom, Eluru. The applicant was selected in a due process of selection after making an application, and production of certificates in proof of age and educational qualification, which in this case was a pass ⁱⁿ /SSC or Matriculation examination. While the applicant was thus working, the 4th respondent on 29.5.84 directed the applicant to produce the original certificate for verification. The applicant in his reply stated that he had produced the original certificate at the time when he joined service; that it was not returned and that if some time was given, he would produce a certified copy there of. Again another letter was issued to the applicant directing him to produce either the original or certified copy of the certificate. As the applicant did not comply ^{allegedly} with the direction and as it was ^{allegedly} revealed that the applicant had furnished false information and produced false certificate

and
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for the purpose of securing employment, a memorandum of charge dt. 27.3.85 was issued to the applicant ^{proposing} to hold an enquiry under rule 14 of the CCS (CCA) of Rules 1965 by 4th respondent. The statement of imputations annexed to the memorandum of of charge, were as follows:

"That the said Sri P. Venkateswara Rao while applying for the post of T.O. in P&T Department in his application dt. 12.8.1981 has mentioned therein as having obtained 83.4 percent of marks in S.S.C. without Hiddi and attached an attested copy of the mark sheet of S.S.C. bearing Roll No. 38472 of April 1974 and that he has appeared through Y.V.R.M.Z.P.High School, Meduru, Krishna Dist. Consequent on verification, it is revealed by the Headmaster, A.P.H.School, Meduru in his lr. Rc. No. 39/84-85 dt. 10.9.1984 that the said Sri P.Venkateswara Rao has not studied in that School".

4. The applicant denied the charge. An enquiry authority was appointed and the applicant was given an opportunity to scrutinise the documents which were relied upon by the disciplinary authority for establishing the charges. These documents were

- 1) Application dt. 12.8.1981 alongwith photos from the official for the post of T.O. in P&T Department.
- 2) Attested copy of S.S.C. marks sheet bearing No. 38472 of April 1974.
- 3) Roneoed application with columns filled in dt. 9.12.81 from the official.
- 4) Check list pertaining to the recruitment of the official.
- 5) Report from Headmaster, Z.P.H.School, Meduru lr. Rc. No. 39/84-85 dt. 10.9.1984.

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Two witnesses Mr. K.Venkata Ratnam, Section Supervisor (Establishment) at the time of recruitment of the official presently working as Sr. Section Supervisor, O/o D.E.T. Rajahmundry and Mr.D.S.Chalapathi Rao, Head Master, Z.P.H. School, Maduru were examined. Neither the applicant nor his defence assistant cross-examinationed the charge witnesses. When the applicant inspected the documents he did not raise any dispute about the genuineness of the copies submitted by him before appointment. On the basis of the evidence adduced at the enquiry, the enquiry authority arrived at a finding that the applicant was guilty which was accepted by the disciplinary authority who issued the impugned order of punishment. In the appeal the applicant contended that he did not study in the School of which the PW2 witness Mr. D.S.Chalapathi Rao, was the Headmaster. He stated that he appeared, directly for matriculation and he is not guilty of the charges. These contentions did not find favour with the appellate authority and the appellate authority by his order dt. 24.2.88 rejected the appeal.

5. We have gone through the application and the reply statement as well as the other material papers. The important grounds raised by the learned counsel for the applicant assailing the impugned orders are that the authenticity of the application submitted by the applicant at the time of applying for the post has not been established beyond doubt and that there is no positive evidence to prove that the applicant is guilty. On a careful consideration of the entire pleadings and the evidence on record we are satisfied that the applicant has not even an arguable case. The applicant by the memorandum of charges was clearly made to understand that he was to meet the

Copy to:-

1. Secretary, Ministry of Communications, Union of India, New Delhi.
2. Member(Personnel), Telecommunications Board, Samachar Bhavan, New Delhi.
3. Director, Telecom Guntur Area Guntur, Guntur District.
4. Divisional Engineer, Telecom, Eluru, WGDT.
5. One copy to Sri. T.Jayant, advocate, CAT, Hyd.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

Gh. P. Singh
25/11/67

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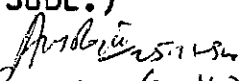
charge that while applying for the post he had furnished the information that he through ZPH School appeared for the S.S.C. examination with the Roll No. 38472 and that he got 83.4 percent marks and that this was later found to be incorrect. For reasons best known to the applicant, he and the defence ^{counsel} did not cross-examination the Headmaster of the ZPH School Shri D.S. Chalapathi Rao, who had deposed that the applicant did not appear for the SSC examination from ZPH School. The learned counsel for the applicant argued that the Headmaster was not cross-examined because his testimony was of no consequence and it was irrelevant. As the gist of the charge against the applicant is that he furnished false information that he appeared for SSC examination through ZPH School and obtained 83.4% marks the testimony of the Headmaster of that school is an important and relevant piece of evidence. Though ^a reappraised ^{of} the evidence is not called in a proceedings of this nature, we have gone through the evidence recorded at the enquiry with a view to satisfy ourselves that the finding was based on legal evidence. We find that the findings of the disciplinary authority which has been upheld by the appellate authority that the applicant is guilty of the charge of having secured employment by producing a fake certificate is based on cogent and convincing evidence. We do not find any reason to interfere with the well reasoned finding.

6. In the result the application which is devoid of merit is dismissed leaving the parties to bear their own costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(A.V. HARIDASAN)
MEMBER (JUDL.)

Dated : The 24th October 1994.
Dictated in Open Court.


Dy. Registrar (Judl.)

3m Mr C.A.T Hyd Bench
Hyd.

17m Mr. A.V. Hanidesan J.m

17m Mr. R. Barga Jan, A.m.

Judgement

dt. 24/10/94.

~~OA~~
OA: 217/92

OA - dismissed vide
no order as cost

for 25/11/94

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