

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 458/93,
D.A. 459/93 &
D.A. 460/93.

Dt. of Decision : 30-9-94.

Mr. K. Harendar Prasad

.. Applicant in
D.A. 458/93.

Mr. Md. Nouman

.. Applicant in
D.A. 459/93.

Mr. M. Rajeswar

.. Applicant in
D.A. 460/93.

VS

1. Chief Workshop Manager,
Carriage & Loco Workshop,
SC Rly, Lallaguda,
Secunderabad.

2. Workshop Personnel Officer,
Carriage & Loco Workshop,
SC Rly, Lallaguda,
Secunderabad.

3. Asst. Workshop Manager,
Carriage & Loco Workshop,
SC Rly, Lallaguda,
Secunderabad.

.. Respondents in
all the DAs.

Counsel for the Applicants : Mr. G.V. Subba Rao, in all
the DAs.

Counsel for the Respondents : Mr. D. Francis Paul, SC for
Rlys. in DA. 460/93.

Mr. C.V. Malla Reddy, SC for
Rlys. in DA. 459/93.

Mr. K. Ramulu, SC for Rlys.
in DA. 458/93.

CORAM:

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

THE HON'BLE SHRI A.V. GORTHI : MEMBER (ADMN.)

OA 458/93,
OA 459/93 &
OA 460/93.

Dt. of Order: 30-9-94.

(Order of the Divn. Bench passed by Hon'ble Shri
A.B.Gorthi, Member (A)).

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All the above three Original Applications are disposed of by this common order as the facts and the issues are common to all the three cases. The applicants were selected, ~~and empanelled~~ and appointed as Substitute Kalasis in the Loco Carriage Workshop, Lalaguda, and they joined the service on 5-9-91 as Substitute Kalasis against 40 ~~empanelled~~ candidates. However vide order dt.12-10-91, the services of the applicants in OA 458/93 and the applicant in OA 460/93 were terminated on the ground that the certificates submitted by them in support of Educational Qualifications were found to be false on verification. Similarly the services of the applicant in OA 459/93 were terminated vide order dt.12-10-91 for the same reason.

2. The Respondents in their reply affidavit have stated that these applicants were appointed subject to the specific condition that their engagement ~~were~~ ^{was} purely ~~educational~~ ^{for verification} professional and if the certificates were found to be false, their engagement would be terminated. The certificates submitted by the applicants in support of the educational qualifications were sent to the concerned Head Master. On such

verification, it was found that the certificates produced by the applicants were not genuine. ^{hence} The Respondents issued the orders of termination of services.

3. The applicants represented to the Chief Workshop Manager, stating that they had submitted Transfer Certificates issued by the Zilla Parishad High/Middle School, Marikal, Parigataluka, R.R.District, that the said certificates were genuine and that these facts can be re-verified by the Respondents. Although initially, the Respondents took the view that the applicants submitted Transfer Certificates from a school other than the Zilla Parishad High/Middle School, Marikal, they nevertheless forwarded the Transfer Certificates submitted by the applicants to the District Educational Officer, RR District, for verification from the Zilla Parishad High/Middle School, Marikal. The Respondents having examined the issue, came to the conclusion that the applicant submitted two different sets of Transfer Certificates, one at the time of applying for the post of Substitute Kalasi and another at the time of their representation and as such it was not free from doubt as to whether the applicants submitted genuine Transfer Certificates. The said order dt.22-2-93 together with the order of termination of their services in respect of each of the applicant are impugned in these Original Applications.

4. We have heard learned counsel for the parties at considerable length. It was considered essential to examine

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whether the applicants possess the required educational qualifications at all not with standing the dispute whether or not they submitted two different sets of Transfer Certificates. Even assuming that the applicants, as contended by them, submitted only one set of Transfer Certificates, i.e. the ~~ones~~ ^{ones} issued by the Head Master, Zilla Parishad High/Middle School, Marikal, Parigi Taluka, we directed that the relevant record ~~to~~ be produced for our perusal. The present Head Master of Zilla Parishad High/Middle School, Marikal, who was summoned by us ~~to~~ come along with record, has come and shown the original "Register of Admissions & Withdrawals" of Zilla Parishad High/Middle School, Marikal. From a careful examination of the said register, we observed the following :-

- (a) in respect of Md. Nouman (applicant in OA 459/93), his name was inserted between Sl. Nos. 836 and 837 at the bottom of the page where there was some space left;
- (b) in respect of K. Harender Prasad (Applicant in OA 458/93), his name was inserted between Sl. Nos. 1310 and 1311;
- (c) in respect of M. Rajeshwar (applicant in OA 460/93), the existing entries at Sl. Nos. 1367 were partly erased and the particulars of M. Rajeshwar were super imposed against the said Sl. No.

Copy to:-

1. Railway, Lallaguda, Secunderabad.
2. Workshop Personnel Officer, Carriage & Loco Workshop, SC Railway, Lalaguda, Secunderabad.
3. Asst. Workshop Manager, Carriage & Loco Workshop, SC Railway, Lalaguda, Secunderabad.
4. One copy to Sri. G.V.Subba Rao, advocate, in all the O.A.S. CAT, Hyd.
5. One copy to Sri. D.Francis Paul, SC for Rlys, in O.A. 460/93, CAT, Hyd.
6. One copy to Sri. C.V.Malla Reddy, SC for Rlys, in O.A. 459/93, CAT, Hyd.
7. One copy to Sri. K.Ramloo, SC for Rlys, in O.A.458/93, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

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5. The above mentioned register was shown to and was scrutinised by the learned counsel for the applicants also. There can be no doubt that the Transfer Certificates submitted by the applicants even at the time of their representation, on which lot of reliance was placed by the learned counsel for the applicants, cannot be said to be the true certificates of the original entries. The withdrawal maintained by the Zilla Parishad High/Middle School, Marikal. In other words, the applicants sought for and obtained their appointment by means which cannot be said to be fair. In the letter of appointment, it was made clear to the applicants that ~~should~~ the particulars furnished by the applicants in regard to their educational qualifications etc., are found to be ~~false~~, ^{false,} ~~fault~~, their appointments are liable to be cancelled. Consequently, the applicants ~~should~~, ^{to be appointed} cannot be said to have acquired any right and as such the termination of their appointments, in the circumstances as ^{held to be} enumerated above, cannot be ~~said, irregular, etc.~~ In the circumstances, we do not find any merit in any of these OAs and accordingly the same are dismissed with no order as to costs.

6. As we have heard all the three counsel for the Respondents, on all the 3 OAs, their fees may be fixed separately by the Respondents.

Amulya
(A.B.GOR THI)
Member (A)

A.V.HARIDASAN
(A.V.HARIDASAN)
Member (J)

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Dt. 30th September, 1994.
Dictated in Open Court

Dy. Registration (J)

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