

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 1103/94.

Dt. of Order: 16-2-95.

S.Narasing Rao

... Applicant

Vs.

1. Commander Works Engineer,
Mudfort, Secunderabad-500 003.

2. The Chief Engineer, Hyderabad Zone (MES),
Secunderabad- 500 003.

... Respondents

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Counsel for the Applicant : Shri V.Venkataramana,

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC

CORAM:

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

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

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... 2.

- 2 -

OA 1103/94.

Dt. of Order:16-2-95.

(Order passed by Hon'ble Shri A.V.Haridasan, Member (J)).

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This application filed by a Mazdoor in the office of Commander Works Engineer, M.E.S., Hyderabad, impugning the order of dismissal dt.29-8-94 issued by the Respondent No.1 dismissing him from service. The order was passed after a duly held disciplinary proceedings. The applicant was recruited as a Mazdoor in the year 1988 being sponsored by Employment Exchange and after a due selection process. In the offer of appointment it was inter alia stipulated that the employee shall produce original certificates in support of educational and technical qualifications and of age and that if the certificates so produced be found to be false, the services are liable to be terminated or that he may be liable for disciplinary action. The applicant had produced a transfer certificate from a school. In 1992, the applicant was issued a charge sheet alleging that the certificate produced by him was a fake one and that he had secured employment by producing a fabricated document. The enquiry was held. On the basis of the Enquiry Report, the competent authority passed impugned order dismissing him from service as also saying that the dismissal would be a bar for future employment. It is aggrieved by this order that this application has been filed. The application is resisted by the Respondents. Shri V.Venkata ramana, counsel for the applicant argued that since any edu-

87

tional qualification was not required for appointment as a
made
Mazdoor which was/solely on the determination of physical
suitability after being sponsored by the Employment Exchange,
the production or non production of any certificate from the
school cannot be considered of any consequences and the charge
and the Disciplinary Proceedings are based not on any mis-
conduct specific or ^{else} the other. He further argued that even if
it is admitted that the certificate is ^{found} ~~approved~~ to be not
genuine, the Disciplinary Authority should have considered
whether the applicant on the date of appointment was within the
age limit.

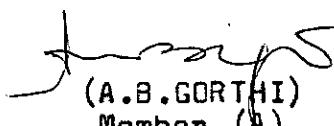
2. Shri N.R.Devraj, learned standing counsel for the Respondents argued that whether educational qualification was a must or not the ~~mistake~~^{misconduct} was that the production of a fake certificate.

3. After arguing the case for quite some time, it was pointed out to us that the applicant did not file an appeal to the Respondent No.2, the competent appellate authority and that it would be appropriate if the applicant is allowed to file an appeal to him so that the matter may be considered by the Respondent No.2. Though the application has already been admitted, the suggestion by the counsel instead of the Tribunal deciding merits and de-merits of the impugned order at the first instance itself, it would be appropriate if the matter is considered by the appellate authority is quite persuasive and reasonable.

83

dent No.2 with one month from today and with a further direction to the Respondents No.2 that if such an appeal is received from the applicant within the aforesated period, he shall without reference to delay in filing the appeal consider the appeal on merits and pass a speaking order within a period of two months from the date of receipt of the appeal.

There is no order as to costs.


(A.B.GORTHI)
Member (A)


(A.V.HARIDASAN)
Member (J)

Dated: 16th February, 1995.
Dictated in Open Court.

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Amala B.M.
DEPUTY REGISTRAR(J)

To

1. The Commandar Works Engineer, Mudfort, Secunderabad - 500 003.
2. The Chief Engineer, Hyderabad Zone, Secunderabad. - 500 003.
3. One copy to Mr.V.Venkataramana, Advocate, 62/2RT, Saidabad Colony, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(C)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

DATED : 16/2/95

ORDER/JUDGEMENT.

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

in
O.A.NO. 1103/94

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

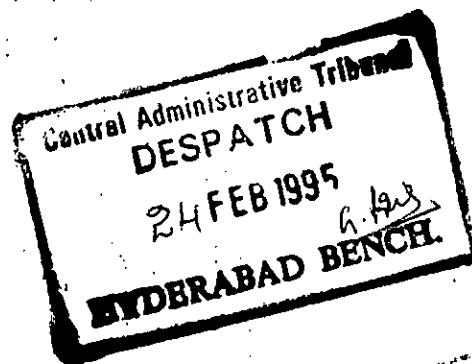
Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

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20/