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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 368/94.

Dt. of Decision : 01-12-95.

S. Subrahmanyeswara Rao

.. Applicant.

Vs

1. The Divisional Engineer,
2. The Director, Telecom,
Guntur Area, Guntur-522 007.
3. The Adviser
(Human Resources Development)
Dept. of Telecommunications,
Min. of Communications,
New Delhi-110 001.
4. The Union of India, Rep.
by the Secretary,
Min. of Communications,
New Delhi-110 001.

.. Respondents.

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

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

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

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(57)

O.A.NO.368/94.

JUDGMENT

(AS PER HON'BLE SHRI A.B.GORTHI, MEMBER (ADMINISTRATIVE))

Heard Shri T.V.V.S.Murthy, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned stan-

2. Aggrieved by the order dismissing him from service with effect from 25.3.88, the applicant has come up with this OA praying that the said order be set-aside together with the orders of the appellate authority and the revising authority confirming the said penalty.

3. The applicant having been selected for appointment as Telecom Office Assistant (TOA for short) joined service on 29.3.82 and completed the required period of training also. While he had satisfactorily worked for about 3 years, he was called upon to furnish the original scholastic certificates. When he was unable to do so, he was called upon to furnish duplicate certificates showing his educational qualifications. Thereafter the respondents warned him that in case he did not submit the certificates, disciplinary action would be taken against him. As the applicant was not in a position to trace his educational certificates, he informed the respondents accordingly. But the respondents on 21.3.85 served charge memo upon him. In the said charge, the allegation was that at the time of seeking employment as TOA, he had furnished information regarding the school in which he studied/appeared for.

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SSC examination, roll number, year of passing of SSC examination, marks obtained in the said examination, which information on verification was found to be incorrect. A regular departmental disciplinary inquiry was followed at which the application submitted by the applicant seeking appointment as TOA together with attested copies of the marks allegedly obtained by him in the SSC examination as furnished by the applicant were among the documents adduced in the evidence. Among the witnesses for the prosecution was the Head Master of Mrs. AVNC High School, Visakhapatnam, where, as stated by the applicant, he studied upto SSC. During the inquiry, it was established that the applicant did not study in Mrs. AVNC High School. The case of the applicant is that he studied in a different school where he secured only about 48% marks and that he never furnished the alleged information that he studied in Mrs. AVNC High School, Visakhapatnam or that he secured 78.4% marks. As the documentary evidence adduced in the inquiry categorically showed that the applicant himself in his application form seeking employment ~~xxx~~ stated the alleged facts and that the said facts were found to be false in view of the testimony of the Head Master, Mrs. AVNC High School, Visakhapatnam, the Inquiry Officer came to the conclusion that the charge against the applicant was substantially established. Agreeing with the same, the Divisional Engineer, Telecom, Eluru (R-1 herein) imposed the penalty of dismissal which penalty was subsequently confirmed by the appellate and the revisional authorities.

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4. Several employees who were similarly situated as the applicant were also similarly dealt with and dismissed/removed from service. They filed OAs ~~wx~~ before the Tribunal but the same were dismissed. The grounds urged by the applicant in this OA in support of the relief claimed are similar to those raised by the others in the aforementioned OAs. In view of

this, the learned counsel for the applicant limited his arguments mainly to the harshness of the penalty.

He submitted that at the relevant time there was a group of individuals who were similarly situated who submitted such false/bogus certificates for the purpose of securing appointment in the Telecom Department and that it was done with the connivance of the officials of the Department. In other words, the plea of the applicant's counsel is that the applicant who was young for the purpose of securing appointment.


5. He has thus pleaded that taking into consideration the facts of the case and the young age of the applicant, the penalty of dismissal imposed on the applicant deserves to be reduced at least to that of removal from service so that he is not precluded from seeking employment under the State Government. The penalty order in this case was imposed in 1988 and we are not inclined to interfere with the same at this belated stage, more so when the charge is one of moral turpitude.

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6. In the result, we find that this OA is liable to be dismissed and the same is dismissed accordingly.

No costs.//


(A.B. GORTHI)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 1st December, 1995.
Open court dictation.


Deputy Registrar (J) CC

To

1. The Divisional Engineer,
Telecom, Eluru-050 W.G. Dist.
2. The Director, Telecom,
3. The Adviser (Human Resources Development)
Dept. of Telecommunications,
Ministry of Communications, New Delhi-1.
4. The Secretary, Union of India,
Ministry of Communications, New Delhi-1.
5. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT. Hyd.
6. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

VICE CHAIRMAN

AND

AB Gorthi
THE HON'BLE MR. ~~R. RANGARAJAN~~ : M(A)

DATED: 1 -12-1995

~~ORDER~~/JUDGMENT

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

O.A.No. *368* ⁱⁿ *94*

T.A.No. (W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

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