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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 738/95

Date of Order : 31.12.97

BETWEEN :

G.Venkataratnam

.. Applicant.

AND

Union of India represented by

1. Post Master General,
Vijayawada Region,
Vijayawada.

2. Supdt. of Post Offices,
Gudivada Division,
Gudivada.

3. Sub Divisional Inspector (Postal),
Kaikalur Sub-Division,
Kaikalur.

.. Respondents.

Counsel for the Applicant

.. Mr.TPV.Subbarayudu

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (JUDL.) X

Mr.T.P.V.Subbarayudu, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant was appointed as EDBPM, Venkatapuram B.O. in A/W Kalidindi Sub Office. At the time of his reporting for duty he was required to submit an Attestation form which contained particulars as to whether he was arrested earlier in any case and whether he was

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prosecuted for any offence. The applicant answered those questions in the negative. Subsequently the respondents found by the copy of the judgement produced by the applicant himself that he was involved in Sessions Case No. 174/88 on the file of the Sessions Court, Krishna Division, Machilipatnam and that he gave a false information while furnishing the attestation form. On that ground they issued a notice dated 4.5.95 and asking him as to why action should not be taken for giving false information. The applicant submitted his representation dated 23.5.95. By proceedings No. BE/ED. Misc/kik/94-95 dated 4.5.95/2.6.95 (A-3) removed the applicant under Section 6 of the ED Staff and Service Rules 1964.

3. The applicant has filed this OA challenging his removal by proceedings dated 4.5.95/2.6.95.

4. The respondents have filed the counter stating that the information furnished by the applicant in the attestation form was not correct and that therefore the action taken by them was justified.

5. It is now to be seen whether the applicant furnished false or incorrect information in the attestation form when he reported for duty. The attestation form has been entered by the applicant in English. The applicant now in the OA tried to contend that it was filled up by the Branch Post Master. Such was not the representation made by him in his representation dated 23.5.95.

6. The learned counsel for the respondents relied upon the Full Bench decision of this Tribunal in OA. 774/95 dated 28.7.95 (B. Nageswar vs. The Senior Superintendent of Post Offices, Nizamabad Division, Nizamabad). The Full Bench of this Tribunal considered the question whether making a false statement knowing

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it to be false in the attestation form to be filled up by the selected candidate before appointment is a ground for denial of the appointment or for removal if appointed. The Full Bench considered the question and answered in the affirmative on 20.11.96.

7. The applicant was acquitted in the sessions case. The applicant could have stated that he was prosecuted and was acquitted. He did not say in clear terms. On the otherhand he answered those questions in the negative. The judgement in the sessions case was delivered on 19.5.1989. He was appointed on 30.6.94. It was within his knowledge about the prosecution and his acquittal in the sessions case. The answers given by him thus the applicant had given the incorrect or false information in the attestation form.

8. In view of the decision of the Full Bench of this Tribunal the termination of the applicant for giving false or incorrect information in the attestation form cannot be held to be either illegal or irregular. He had been given an opportunity before termination.

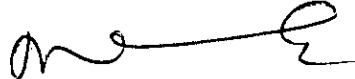
9. In that view of the matter we find no merits in this OA. Hence the OA is dismissed. No costs.

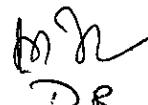

(B.S. JAI PARAMESHWAR)
Member (Judl.)

31.12.97

Dated : 31st December 1997

(Dictated in Open Court)


(R.RANGARAJAN)
Member (Admn.)


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Copy to:

1. Postmaster General, Vijayawada Region, Vijayawada.
2. Supdt. of Post Offices, Gudivada Division, Gudivada.
3. Sub Divisional Inspector(Postal), Kaikalur Sub division, Kaikalur.
4. One copy to Mr.T.P.V.Subbarayudu, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr.CESC, CAT, Hyderabad.
6. One copy to D.R(A),CAT, Hyderabad.
7. One copy to HBSJP, M, (J),CAT, Hyderabad.
8. One duplicate copy.

YLKR

21/1/98

IT Court

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND

RAJENDRA PRASAD: M(A)

DATED: 31 -12 -1997

ORDER/JUDGMENT:

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

in
O.A.No. 738/95

T.A.No.

O.W.P

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction:

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

