IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.817/95

DATE OF ORDER : 20-03-1998.

Between :-

N.Jangayya

... Applicant

And

1. Commander Works Engineer,
   Mudfort, Sec'bad.

2. Chief Engineer, Miletary Engg Services,
   Hyderabad Zone, (MES), Sec'bad.

... Respondents

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Counsel for the Applicant : Shri V.Venkata Ramana

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

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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...2.

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Sri V.Venkata Ramana, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the respondents.

2. The applicant in this O.A. was recruited as a Mazdoor under Respondent No.1. It is stated that for the post of Mazdoor no educational qualifications are required. He was sponsored by the Employment Exchange and on that basis he was interviewed, and he was selected to that post andhe was appointed to that post by office order No.10444/B/837/EIB dt.23-2-1988. Para-2(e) of the appointment order is relevant, which reads as under :-

> (e)On reporting to that office you should produce the original certificates in support of your educational andtechnical qualifications, age and caste etc.,.

It is stated that the applicant produced a school leaving certificate showing his educational qualifications and date of birth. After a lapse of about four years, a charge sheet was issued to him for violation of CCS(CCA) Conduct Rules. As per the charge sheet it is stated that the applicant produced false school transfer certificate at the time of recruitment as proof of age which was verified and ascertained by the school authorities. It is also stated in the charge sheet that the applicant managed to secure false certificate and produced the same to the recruiting authorities and secured appointment. On the basis of the charges, an enquiry was conducted and report is enclosed at page-17 of the O.A. Question-4 of the Enquiry Report reads as follows :-

... 3.

Q.Are you guilty of the charges framed against you?
A.I am guilty of the charge sheet. I may be kindly excused what so ever I have done.

From the above question and answer it is evident that the applicant has accepted his guilt.

3. Further the applicant was given a copy of the Enquiry Report and after obtaining his explanation the applicant was dismissed from service vide impugned order (page-16 of the OA). Against that dismissal order the applicant filed an appeal to the Chief Engineer by his representation dt.Nil ( page-11 to the OA). The Appellete Authority passed the final order confirming the earlier dismissal order by the impugned order No.10548/AG/26/296/E1C dt.8-5-95 (page-9 to the OA).

4. This OA is filed to set aside the impugned punishment order dt.29-8-94 confirmed by Respondent No.2 by his order dt.8-5-95 and for a consequential direction to the respondents to reinstate the applicant with continuity of service along with back wages and other benefits.

5. The contentions and the prayer in this OA is same as the contentions and prayer raised in OA 815/95. Hence this OA is disposed of on the same lines as was done in the case of the applicant in OA 815/95. We feel that the case of the applicant has to be referred back to Respondent No.2 to re-consider the punishment awarded to the applicant to see whether a lighter punishment can be awarded which in our opinion may meet the ends of justice.

.... 4.

6. With the above observations we remit back case to Respondent No.2 for reconsideration in regard to the punishment. The Respondent No.2 has to take a decision in regard to the quantum of punishment preferably within a period of three months from the date of receipt of a copy of this order.

7. OA is disposed of accordingly. No costs.

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

20.3.98

(R.RANGARAJAN)
Member (A)

Dated: 20th March, 1998.
Dictated in Open Court.

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Copy to:

1. Commander Works Engineer,
   Mudfort, Secunderabad.

2. Chief Engineer, Military Engg.Services,
   Hyderabad Zone,(MES), Secunderabad.

3. One copy to Mr.V.Venkataramana,Advocate,CAT,Hyderabad.

4. One copy to Mr.N.R.Devraj,Sr.CGSC,CAT,Hyderabad.

5. One copy to D.R(A),CAT,Hyderabad.

6. One duplicate copy.

YLKR

2/4/98

(6)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (J)

DATED: 20/3/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

O.A.NO. 817/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR