

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of order : 13.03.2002

O.A. No. 504/1995

Shri Ram Gopal son of Shri Chhaju aged about 41 years resident of Kuti Shalawas, Near Quater Signal Bandi Kui, District Jaipur, last employed on the post of Fitter, Loco Shed, Bandi Kui, Western Railway.

... Applicant.

v e r s u s

1. Union of India through General Manager, Western Railway, Church Gate, Bombay.
2. Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur.
3. Divisional Mechanical Engineer, Western Railway, Jaipur Division, Jaipur.

... Respondents.

Mr. C.B. Sharma, Counsel for the applicant.

None is present for the respondents.

CORAM:

Hon'ble Mr. Justice O.P. Garg, Vice Chairman

Hon'ble Mr. A.P. Nagarath, Administrative Member

: O R D E R :

(Per Hon'ble Mr. Justice O.P. Garg)

The applicant, Ram Gopal who was posted as Fitter, Loco Shed, Bandi Kui, Western Railway, was removed from service by order dated 10.03.1990 (Annexure A/2). As against this order, the applicant had preferred an appeal. He had also filed O.A. No. 993/92, which was disposed of by this Tribunal by order dated 15.09.94 with the observation that the appeal filed by the applicant shall be disposed



of. The appeal has since been disposed of by the appellate authority affirming the order of punishment. Now by means of the present O.A., the applicant has challenged the order of removal passed by the disciplinary authority as well as the order of the appellate authority rejecting his appeal.

2. We have heard Shri C.B. Sharma, learned counsel for the applicant. None appears on behalf of the respondents.

3. The gravamen of the charge against the applicant is that he had shown his date of birth as 07.06.1954, while subsequently it transpired that his actual date of birth is 07.06.1951. Accordingly, a departmental enquiry was initiated against the applicant for falsification of the document of his date of birth. After due enquiry, it has been found that his correct date of birth is 07.06.1951 and not 07.06.1954 and accordingly, the order of removal of the applicant from service has been passed by the competent authority. There is no dispute that the order of removal was passed by the competent authority. The appeal filed by the applicant has also been rejected by the competent authority.

4. The learned counsel for the applicant submits that the Headmaster, who had issued the certificate in which the date of birth was shown as 07.06.1951, was not examined before the enquiry officer, and consequently, the enquiry stood vitiated. This point was raised as one of the grounds in appeal. The appellate authority has dealt with this aspect of the matter in sufficient details and has negatived the pleas of the applicant by observing that the applicant did not challenge the genuineness of the certificate issued by the Headmaster, which was relied upon by the enquiry officer. From the reading of the various orders and the report of

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enquiry, it transpires that the applicant has pleaded that he is an illiterate person. Subsequently, he has also relied upon the certificate which he himself has filed indicating his date of birth as 07.06.1954 and on the back of this certificate, he put his signatures. Filing of the certificate by the applicant itself falsifies his stand that he is an illiterate person. He has studied in the same School of which the Headmaster had issued a certificate indicating his date of birth as 07.06.1951. There is no reason whatsoever for the Headmaster to have issued a wrong certificate. It was for this reason only, the applicant did not challenge the certificate issued by the Headmaster. There was no procedural defect in the conduct of enquiry. We cannot sit over the findings recorded by the disciplinary authority and has affirmed by the appellate authority as an appellate authority. It is not a fit case in which our interference is warranted. There was no procedural irregularities in the departmental enquiry and the applicant has been removed from service on sufficient grounds. The proved misconduct on the part of the applicant justifies his removal from service. The O.A. is meritless and is accordingly dismissed with no order as to costs.

lmpd
(A.P. Nagrath)
Adm. Member

OG
(Justice O.P. Garg)
Vice Chairman

CVR.