

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT COURT SITTING : BILASPUR

Original Application No. 383 of 2005

Bilaspur, this the 8th day of March, 2006

Hon'ble Mr. Justice B. Panigrahi, Chairman
Hon'ble Mr. Shankar Prasad, Administrative Member

P. Ramlingeshwar Rao, S/o Shri P. Pappa Rao,
Date of birth - 1.6.1965, R/o Naya Para,
Ganesh Nagar, Bilaspur (CG)

- APPLICANT

(By ADVOCATE : Shri S. Paul)

Versus

1. Union of India through General Manager,
South Eastern Central Railway, Bilaspur (CG)
2. The Divisional Railway Manager,
South Eastern Central Railway, Bilaspur (CG)
3. The Senior Divisional Personnel Officer,
South Eastern Central Railway,
Bilaspur (CG)

- RESPONDENTS

(By Advocate : Shri H. B. Shrivastava)

O R D E R

By Justice B. Panigrahi, Chairman, -

In this case the applicant has questioned the legality, propriety and validity of the order dated 28.1.2005 whereby and whereunder the representation, purported to have been submitted by him, was rejected.

2. The applicant was engaged as a casual Gangman on daily wages, in Bilaspur Division of South Eastern Central Railway. His name was placed in the select list at serial no. 6 in Annexure-C to order dated 14.2.1990 (Annexure-A-4). He was subsequently discharged from service vide order dated 29.8.1990 without giving any show cause notice or conducting any departmental enquiry.

3. A batch of other employees, who were similarly situated like the applicant, filed various cases being

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OAs Nos. 357/1991 & 768/1991 before this Tribunal. The Tribunal vide orders dated 12.3.1997 quashed the order of discharge and the applicants therein were accordingly directed to be reinstated in service. A liberty was also granted to the respondents to hold a fresh enquiry. The applicant, therefore, wants the benefit of the aforesaid judgments. He was neither a party nor any representation pursuant to the aforesaid order was filed. However, he has submitted a representation before the authorities, which was disposed of by the impugned order.

4. While appreciating the contention of the applicant, we have carefully gone through the initial appointment order of the applicant dated 14.2.1990. His appointment was conditional to the effect that working certificate/ past service certificate if found false, at any time, during his engagement, his services will be terminated automatically without any notice. It is found that the past service certificate submitted by the applicant was found false. Hence he was rightly terminated from service vide order dated 29.8.1990, as per the condition stipulated in the appointment order. An FIR under Section 420 of the Indian Penal Code for cheating and forgery was also lodged. The name of the applicant was kept in the black list and it was also stated that he should not be re-engaged in future in any capacity all over the Indian Railway. This order was not challenged by the applicant. No plausible far from satisfactory explanation has been offered by the applicant so far the delay in the filing of OA. The applicant otherwise cannot reap any benefit of the previous judgments, if it is found that the past service certificate produced by the applicant was fake, and for that reason a case for cheating has been lodged. He who seeks equity must do equity. Since the certificate was found spurious and fake by the respondent-authorities after due enquiry, they cannot be forced to engage the


applicant. It is noteworthy to mention here that a similarly placed employee, whose services were also terminated in the year 1990 had questioned the propriety of the order of termination by filing OA No.1152 of 2004 and this Tribunal vide order dated 17.8.2005 has dismissed the said OA, on the basis of the ratio of the judgment of the Hon'ble Supreme Court in the case of Bhoop Singh Vs. Union of India and others, (1992) 3 SCC 136. In the case of Bhoop Singh it was observed that the applicant cannot take any benefit of the orders passed by any Tribunal or any other court filed by similarly situated employees, since he was not a party nor did he take any steps to get himself impleaded in the earlier case. In Bhoop Singh's case (supra) the Hon'ble Supreme Court has held as under:

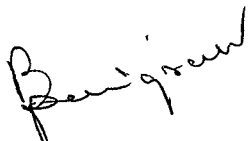
"in absence of any convincing explanation such highly belated claim rightly rejected by Tribunal- Ground of discrimination consequent upon refusal to grant the relief cannot stand where the claimant himself is indolent unlike his co-employees and therefore cannot be classified with the co-employees since non-discrimination under Art.14 is based on equitable principle-Inordinate and unexplained delay is itself a ground to refuse the relief - Grant of reinstatement after a long lapse of time will have its impact on the administrative set up and other employees".

In the instant case, the service certificate submitted by the applicant before the respondent-authorities was verified and found to be fake and bogus. Accordingly, the applicant was discharged from service vide order dated 29.8.1990.

At such a length of time it would be inappropriate and improper to direct the respondent-authorities to reinstate the applicant in service.

5. Accordingly, we find that there is no merit in this case. The O.A. is dismissed. No costs.


(Shankar Prasad)
Administrative Member


(B. Panigrahi)
Chairman.