

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 602 of 2002

Jabalpur, this the 6th day of September, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Sunil Mehta, Chargeman Gr-II (Terminated),
S/o. B.L. Mehta, aged about 28 years, Plot
No. 88, Azad Nagar, Ranjhi, Jabalpur. ... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its
Secretary, Ministry of Defence,
New Delhi.

2. Chairman/DGOF, 10-A, Shaheed SK
Bose Marg, Kolkata (WB).

3. Sr. General Manager, Ordnance
Factory, Khamaria, Jabalpur. ... Respondent

(By Advocate - Shri S.P. Singh)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has
claimed the following main reliefs :

"(b) set aside the order of removal Annexure A-1, set
aside the appellate order dated 16.7.2002 Annexure A-11,
(c) direct the respondents to reinstate the applicant
with full back wages and other consequential benefits
as if the aforesaid order impugned is never passed,"

2. The brief facts of the case are that the applicant's
name was enrolled in the employment exchange, Jabalpur. On
requisition by the respondent No. 3 for the post of Chargeman
Grade-II, applicant's name was sponsored by the employment
exchange duly verified that the applicant possessed an
experience from 1.9.1994 to 30.8.1996. Accordingly, the
applicant was required to undergo the selection process for
the post of Chargeman Grade-II. The appeared in the written
examination followed by viva voce and other tests. The
applicant qualified/passed all tests and accordingly was



selected and appointed on the post of Chargeman Grade-II by order dated 8.8.1997 in the pay scale of Rs. 1400-2300/- . The applicant was initially appointed on two years probation. He was confirmed w.e.f. 11.8.1999. Accordingly, the applicant was holding the post of Chargeman Grade-II in a substantive and regular capacity. The applicant was shocked to receive a charge sheet under Rule 19 of CCS(CCA) Rules, 1965. He submitted his reply denying the charges in toto. The applicant himself demanded an enquiry. The applicant at no point of time admitted the charges mentioned in the charge sheet or the documents annexed thereto. The enquiry officer submitted its report and found that the charges against the applicant are not proved. The applicant was asked to receive a letter dated 3.9.2001, whereby the revised findings of the DA were supplied to the applicant with a direction to submit his representation. The applicant submitted his representation. The disciplinary authority passed the impugned order dated 22.11.2001, whereby the applicant is inflicted with the major punishment of removal from service w.e.f. 22.11.2001. Feeling aggrieved with the said order the applicant preferred an appeal which was rejected during the pendency of the OA on 16.7.2002. Hence, this OA.

3. Heard the learned counsel for the parties and carefully perused the records.

4. During the course of arguments, the learned counsel for the respondents has submitted a copy of the order dated 4th July, 2003 passed in OA No. 518 of 2002 and argued that the issue involved in the present case has been dealt with order dated 4th July, 2003 passed in the aforesaid/ by this Bench of the Tribunal. We perused the order passed in OA No. 518/2002 on 4th July, 2003 and we find that the experience certificate of the applicants in both the OAs which were in dispute, was issued by the



firm "M/s. Navrang Chemical Works, Jabalpur". The genuineness of the experience certificate issued by the aforesaid firm has been decided by the Tribunal in the aforesaid order passed in OA No. 518 of 2002. The relevant para of that order is quoted below :

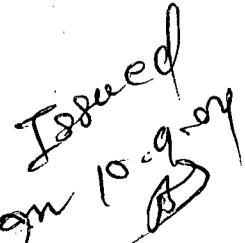
"9. In the case in hand, as has been mentioned above, the fact remains that after the death of the owner of M/s. Navrang Chemical Works, the widow got the sales tax registration cancelled in 1987. Thus, legally the firm was not in existence for production. Though it is not in evidence who actually signed and issued the experience certificate to the applicant, on the letter head of the firm, but that would not make any difference so far the validity of the certificate is concerned. The certificate would remain invalid as the same was issued after 1987."

In this case also as stated by the respondents in para 3 of the reply the applicant had submitted an experience certificate dt. nil obtained from M/s. Navrang Chemical Works, Jabalpur for having worked as Chemical Supervisor (Desgn.) at that firm on full time employment basis @ Rs. 600/- p.m. from 1.9.1994 to 30.8.1996 at the time of his interview held on 15.3.1997 as well as at the time of his appointment to the post of Charge man Gr.II (T) on 12.8.1997. The certificate would remain invalid as the same was issued after 1987 for the reason quoted above.

5. Hence, we are of the considered opinion that the present OA is similar to OA No. 518 of 2002 and order passed on 4th July, 2003 shall apply to the present OA also. Accordingly, the OA fails and is dismissed. No costs.


(Madan Mohan)
Judicial Member

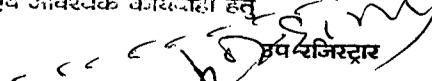
"SA"


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on 10.9.04


(M.P. Singh)
Vice Chairman

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि अव्योगिता:-

(1) सदिय, उच्च अदालत द्वारा रद्द किया गया अव्योगिता, जबलपुर^{Shri S. Paul HC}
(2) अल्पाहु श्री/ श्री/ श्री/ के काउंसल^{Shri S. Paul HC}
(3) अल्पाहु श्री/ श्री/ श्री/ के काउंसल^{Shri S. Paul HC}
(4) अल्पाहु श्री/ श्री/ श्री/ के काउंसल^{Shri S. Paul HC}
सूचना एवं आवश्यक वायरलाई हेतु


उपराजितदार