

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 504 of 1997

Jabalpur, this the 26th day of March 2003.

Hon'ble Mr. Shanker Raju - Member (Judicial)  
Hon'ble Mr. R.K. Upadhyaya - Member (Admnv.)

Madhukar S/o Shri Sheshrao Gavhade,  
Ex. Senior Clerk under Senior Personal  
Officer, Coach Repair Workshop, Bhopal

- APPLICANT

(By Advocate - Shri M.K. Verma)

VERSUS

1. The Union of India through the General Manager, General Railway, Chhatrapati Shivaji Terminus, Mumbai.
2. The Chief Workshop Manager, Coach Repair Workshop, Central Railway, Bhopal
3. The Senior Personal Officer, Coach Repair Workshop, Central Railway, Bhopal

- RESPONDENTS

(By Advocate - Shri S.K. Mukherjee)

ORDER (ORAL)

Mr. Shanker Raju, Member (J):

Applicant impugns removal order dated 15.9.96 as well as appellate order dated 16.1.97, upholding the punishment.

2. Applicant while working as Senior Clerk has been proceeded against for a major penalty on the allegations that he obtained appointment in Railway as Junior Clerk on forged and bogus documents by paying bribe inasmuch as he made a false statement that he has not paid any money. The forged documents bears the signature of one C.S.Khandilkar who knew that applicant is not selected through Railway Recruitment Board (RRB) but appointed illegally.

3. Enquiry Officer through his findings held applicant guilty of charge. On reply to the findings the disciplinary

authority removed applicant from service. On appeal preferred against the same it was also turned down.

Meanwhile, Sh. Khandilkar who has accepted the bribe from applicant for illegally appointing him was also proceeded against in a disciplinary proceedings.

4. Not only applicant but about 11 others who have been appointed on the basis of selection by RRB proceedings have been held against them and were similarly circumstanced were removed from service. In the case of one R.M. Zambre Mumbai Bench in OA-150/97 by an order dated 11.6.2002 upheld the removal. Similarly Mumbai Bench at Nagpur in OA-857/97 by an order dated 19.3.2002 dismissed the case of K.T. Pakhale.

5. Learned counsel for applicant Sh. M.K. Verma assailed the impugned orders on various grounds, including <sup>the</sup> following principles of natural justice and non-following the procedural rules in so far as the disciplinary authority acted under the influence of vigilance, Enquiry Officer was appointed before submission of written submission<sup>of</sup> statement of defence by applicant. Disciplinary authority appointed Chief Vigilance Inspector to conduct the fact finding enquiry, the charge against applicant has not been proved, including the alleged allegations of giving bribe to Khandilkar and lastly orders are perverse and based on suspicion and surmises.

6. On the other hand, respondents strongly rebutted the contentions and stated that as applicant was not even selected by the RRB and got appointment on the basis of the bogus and forged letter of selection, he has no right to be appointed or continue in service. Assuming there is violation of principles of natural justice in such an

event the same would not vitiate the proceedings.


7. By an order dated 5.3.2003 directions have been issued to the respondents to apprise the fate of other candidates who got appointments on the basis of forged documents.

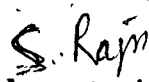
8. We have carefully considered the rival contentions of the parties and perused the material on record. In the following decisions of the <sup>A</sup>pex Court it has been held that any appointment taken on forged documents is voidable and is to be recalled and violation of principles of natural justice would have no application in such a case: Chandigarh Admn. v. Jagjit Singh, JT 1995 (1) SC 445; Union of India v. M. Bhaskaran, 1996 (1) SCSLJ 1; Nazira Begum Lashkar v. State of Assam, (2001) 1 SCC 143; Pavitra Mohan Das v. State of Orissa, (2001) 2 SCC 480 and Union of India v. O. Chakradhar, 2002 SCC (L&S) 361.

9. Moreover, from the perusal of the decisions of the Mumbai Bench where applicants who were also appointed along with applicant herein in similar circumstances on the basis of forged documents without being selected by the RRB and their contentions have meticulously been dealt with which are similar to what has been taken in the present OA, the OAs have been dismissed. We, therefore, respectfully follow the same as the ratio laid down therein on all fours covers the present case. We are satisfied that applicant was accorded all the opportunity and his guilt has been amply proved from the evidence adduced and the findings of the E.O. as well as the orders passed are reasoned and not perverse. Assuming that there has been violation of principles of natural justice in a case where

appointment has admittedly been taken on forged and  
bogus documents will not confer any right on the appointee  
against the post or to continue thereafter.

10. Finding no infirmity in the orders passed by  
the respondents OM is bereft of merit and is accordingly  
dismissed. No costs.

  
(R.K. Upadhyaya)  
Member (A)

  
(Shanker Raju)  
Member (J)

'San.'

पूरांकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि जारी किया -

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MK Varmg. Adl.

Sx mukerji Adl.

  
उप सचिव  
1-4-03

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