

**THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR  
ORDER SHEET**

APPLICATION NO.: \_\_\_\_\_

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

**19.02.2009**

**OA No. 65/2009 with MA 38/2009**

Mr. Manish Kumar Sharma, Counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the OA is disposed of.

  
**(B.L. KHATRI)**  
**MEMBER (A)**

  
**(M.L. CHAUHAN)**  
**MEMBER (J)**

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 19<sup>th</sup> day of February, 2009

**ORIGINATION APPLICATION NO. 65/2009**

**With**

**MISC. APPLICATION NO. 38/2009**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Chhote Lal Sain son of Shri Ram Jai Lal Sin, aged about 28 years, resident of House No. A-179, Murlipura Scheme, Jaipur (terminated from the post of Chowkidar (N.B.), Garrison Engineer, Itarana Palace, Alwar (Rajasthan).

.....APPLICANT

(By Advocate: Mr. Manish Kumar Sharma)

VERSUS

1. Union of India through Chief Engineer, Southern Command, Pune.
2. Chief Engineer, Jaipur Zone, Power House Road, Bani Park, Jaipur.
3. Garrison Engineer, Itarana Palace, Alwar (Rajasthan).

.....RESPONDENTS

(By Advocate: -----)

**ORDER (ORAL)**

The applicant has filed this OA thereby praying for quashing the impugned order dated 17.04.2001 (Annexure A/1) whereby the services of the applicant were terminated and subsequently order dated 26.04.2003 (Annexure A/2) whereby appeal of the applicant was dismissed. Alongwith this OA, the applicant has moved a Misc. Application No. 38/2009 for condonation of delay. As can be seen from Para No. 2 of this MA, the reason for not filing the OA within the prescribed period, as contemplated under Section 21 of the Administrative Tribunal's Act, is that applicant received an order dated 26.04.2003 from the respondents, since the applicant was a semi-literate man as such he could not understood the interpretation

of the order dated 26.04.2003 and remained under bonafide impression that his appeal is still pending.

2. We have heard the learned counsel for the applicant at admission stage. We are not at all convinced with the reasons given by the applicant for condonation of delay in filing the OA. Accordingly, the MA for condonation of delay is rejected.

3. In view of dismissal of MA for condonation of delay, we are not required to examine the matter on merit. Still in order to satisfy our conscious and to see that substantial justice is not denied on technical ground, we have gone through the facts of the case which led to termination of services of the applicant. As can be seen from the impugned order dated 17.04.2001 (Annexure A/1), the services of the applicant were terminated on the ground that he procured employment by submitting false document/ Certificate showing VIII Class Passed, issued by Adarsh Bal Shala. In Para No. 2 of the impugned order, it has been stated that on verification of certificate by GE Alwar from District Education Officer, Division II, Jaipur, it was found that neither such school exists at Moti Dungri Road, Jaipur nor was in existence in the past as intimated vide District Education Officer, Division II, Jaipur letter dated 25.01.2001. Even the applicant in this OA has not stated that he has not produced such certificate at the time of procuring his employment. In this OA, what the applicant has pleaded is that since education qualification for the post of Chowkidar was 5<sup>th</sup> Std. which qualification the applicant fulfills, as such the termination order is bad. Such a contention of the applicant cannot be accepted. Since as already stated above, the applicant procured employment on false education certificate, the fact that he fulfills the minimum educational qualification is immaterial. Law on the point is well settled – where appointment is procured on submitting false document, the whole appointment is void abinitio. The Apex Court in number of cases has held that no show cause opportunity is required to be given in such cases as fraud vitiates the entire proceedings. In this case, the applicant was given opportunity and it was only after show cause notice the services of

the applicant were terminated. Thus even on merit, the applicant has got no case.

4. The observation as made in Para No. 3 of the order is by way of passing reference as this Tribunal has not condoned the delay in filing appeal as such OA cannot be entertained. Accordingly, OA as well as MA are disposed of at admission stage with no order as to costs.

  
(B.L. KHATRI)  
MEMBER (A)

AHQ

  
(M.L. CHAUHAN)  
MEMBER (J)