

20

07/07/2011

O.A. 25/2009

Present: Mr. Vikash Sharma counsel for the applicant.  
Mr. Anupam Agarwal counsel for the respondents No. 1 to 4.  
Mr. S.S. Hasan counsel for the respondent No. 5.

This case has been listed before Deputy Registrar due to non-availability of Division Bench. Let the matter be placed before the Hon'ble Bench on 04/08/2011.

  
(Gurmit Singh)  
Deputy Registrar

26


4.8.11

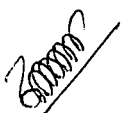
Mr. Manish Sharma, Proxy Counsel for  
Mr. S.P. Sharma, Counsel for applicant  
Mr. Anupam Agarwal, Counsel for respondents  
no. 1 to 4

Mr. Vijay Saini, Proxy Counsel for  
Mr. S.S. Hasan, Counsel for respondents

Heard. The OA is disposed of by  
a separate order

Anil Kumar  
(Anil Kumar)  
M(A)

  
(Justice K.S. Rathore)  
M(J)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 4<sup>th</sup> day of August, 2011

**OA No. 25/20009**

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)**  
**HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

Jagmohan Singh Negi  
s/o Shri Kundan Singh,  
r/o 86-C, Vardhman Nagar,  
Heera Pura, Ajmer Road,  
Jaipur, terminated from the post of  
Gangman, NWR, Ajmer.

... Applicant

(By Advocate : Shri Manish Sharma, proxy counsel for Shri  
S.P.Sharma)

Versus

1. Union of India  
through the General Manager,  
Northern Western Railway,  
Zonal Headquarter,  
Ganpati Nagar,  
Jaipur
2. Divisional Railway Manager,  
Ajmer Division,  
North Western Railway,  
Ajmer.
3. Vigilance Branch,  
Headquarter Office,  
North Western Railway,  
Jaipur through its  
General Manager

4. Divisional Personnel Officer,  
North Western Railway,  
Divisional Office, Ajmer.
5. Regional Director,  
Regional Directorate of  
Apprenticeship Training,  
Udyog Nagar,  
Janpur.

... Respondents

(By Advocate : Shri Anupam Agarwal for resp. No. 1 to 4 and  
Shri Vijay Saini, proxy for Shri S.S.Hasan for resp. No.5)

ORDER (ORAL)

The present OA is directed against the order dated 24.9.2008 (Ann.A/1) passed by the Divisional Personnel Officer, North Western Railway, Ajmer by which the applicant has been dismissed from service by saying that the certificate of the applicant of undergoing the course of National Apprenticeship Training (NAC) is forged on account of not verifying the same by Regional Directorate of Apprenticeship Training, Kanpur and Regional Directorate of Apprenticeship Training, Faridabad. Therefore, services of the applicant have been dispensed with with immediate effect.

2. The respondents have considered the National Apprenticeship Certificate of the applicant and at the time of consideration, the Regional Director vide letter dated 3.6.2008



(Ann.R/2) after verifying record upto 1990 has given list of the candidates sent by respondents for verification and except the applicant whose name appears at Sl.No.4 in the list all certificates were verified. On the basis of this information furnished by respondent Regional Director, Regional Directorate of Apprenticeship Training, Kanpur (respondent No.5), the services of the applicant were dispensed with. The main stress is on the letter Ann.A/11 written by respondent No.5 to the General Manager, Vigilance Branch, Headquarter office, North Western Railway, Jaipur stating therein that the applicant submitted an application along with photocopy of the N.A.C. in connection with verification of his N.A.C. No. 05500. After seeing the photo copy of the N.A.C., the record of this Directorate have been checked once again and it is found that the above mentioned N.A.C. number was issued to Shri Jagmohan Singh Negi s/o Shri Kundan Singh. In this connection, it is requested to kindly send the attested photo copies of the original N.A.Cs of those NAC numbers which have yet not been verified by this Directorate vide this office letter of even number dated 3.6.2008. It appears that on the request of the applicant, this letter Ann.A/11 has been issued by the Regional Director (respondent No.5) as vide this letter the Regional Director also asked for photo copy of the Original NAC with the respondent railway for the purpose of verifying



the same. This letter also does not reveal that respondent No.5 has verified the document. Thus, this Tribunal vide order dated 2.5.2011 directed the respondents to keep the original record ready for perusal of this Tribunal on the next date of hearing as the only controversy involved was that earlier vide letter dated 3.6.2008 (Ann.R/2), the Government of India, Ministry of Labour and Employment, Regional Directorate of Apprenticeship and Training, Udyog Bhawan, Kanpur did not verify the NAC of the applicant, whereas the same authority by a subsequent letter dated 6.10.2008 (Ann.A/11) has verified the same after seeing the record of the Directorate.

3. The original record has been placed for our perusal. We have carefully perused the record but the record itself is not clear as to whether in fact the NAC has been verified, but it is clear that vide Ann.R/2 dated 3.6.2008, the NAC of the applicant has not been verified and on the basis of the document which was at the relevant point of time received from respondent No.5 has been considered and in view of the circulars and rules, services of the applicant have been dispensed with vide order dated 24.9.2008 (Ann.A/1). In such circumstances, we are of the view that the respondents are not at all at fault to pass the impugned order on the basis of the material provided by respondent No.5.



4. Therefore, we find no merit in this OA and the OA being bereft of merit is hereby dismissed with no order as to costs.

*Anil Kumar*  
(ANIL KUMAR)  
Admv. Member

*K. S. Rathore*  
(JUSTICE K.S.RATHORE)  
Judl. Member

R/