

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00063/2017

DATED THIS THE 17TH DAY OF JANUARY, 2018

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI P. K. PRADHAN, MEMBER (A)

1.Akshay Anil Vakhare,
S/o Anil Vakhare,
Aged about 31 years,
Working as Accountant,
Office of the AG and A & E, Karnataka,
Bangalore -560 001.
Residing at No.3046, 3rd Floor,
16th Cross, Banashankari, IInd Stage,
Bengaluru – 560070.

2.D.S. Darshan
S/o Subbaiah,
Aged about 27 years,
Working as Accountant,
Office of the AG and A & E, Karnataka,
Bangalore – 560 001.
Residing at No.266, 9th Cross,
Shantinagar, Near Nanjappa Circle,
Bengaluru – 560 027.

.....Applicants

(By Advocate: M/s Subbarao & Co.)

Vs.

1.Comptroller and Auditor General of India
No.9, Deen Dayal Upadhyaya Marg,
New Delhi – 110 124.

2.The Principal Accountant General
of Karnataka (A&E)
Indian Audit Offices Department,
Park House, Bengaluru – 560 001.

3.Senior Deputy Accountant General
(Administration)
Indian Audit Offices Department,
Park House, Bengaluru – 560 001.

....Respondents

(By Shri MV.Rao, Sr.Panel Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

1. Heard. The applicants submit that they had passed Graduation from a University called as EIILM University of Sikkim. Vide annexure R-2 it appears that this University is not recognised for any purpose by the concerned authorities. The case taken up by the applicants at this juncture is that in fact there is a provision under rules to appoint sports persons as LDC who has only a qualification of PUC. But, that is not the case here. They would say that they have submitted a representation also in this regard. That may not be a reason enough for them to claim a special benefit to visit them. When it is found that the University which they place reliance on, is not eligible to grant a degree, then, it appears that the applicants had not obtained the basic qualification for consideration. It also appears that the applicants might have not believed themselves to be under competent to educational system. Even when it is specifically brought forth by the respondents that this University has no recognition, no explanation regarding such a situation is forth coming from the applicants. Therefore, it has to be presumed that fully knowing that this University might not be recognized, but just going by the ease of obtaining a degree that the applicants had pursued their education for benefits. We are not aware whether such University exists or not, no such information is brought out by the applicants, even though it was in their possession. Learned counsel would say that as on that date of their applications to the University it was recognized. Other than this one statement nothing else materialises .

Therefore, we have to hold that by utilizing forged certificate employment was obtained by the applicants by denying the chance to the rightful competitively meritorious persons. Therefore, we hold that the applicants are guilty of great infraction as well. We, therefore, hold that there is no merit in the OA and also that it is a frivolous and vexatious litigation. Therefore,OA is dismissed. No order as to costs.

(P. K. PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.170/00063/2017

Annexure A1: True copies of the Degree Certificates dated 15.12.2014.

Annexure A2: True copy of the Advertisement dated 07.10.2013.

Annexure A3: True copies of the Offer of appointment issued to the applicants dated 23.12.2013

Annexure A4: True copy of the Office order of appointment dated 02.01.2014 issued to 3rd applicant.

Annexure A5: True copy of the APR for the period 01.04.2014 to 31.03.2015 of the 3rd applicant.

Annexure A6: True copy of the communication dated 12.01.2017 issued to the 1st applicant. (Impugned communication)

Annexure A7: True copy of the communication dated 12.01.2017 issued to the 2nd applicant (impugned communication)

Annexure A8: True copy of the communication dated 12.01.2017 issued to the 3rd applicant (Impugned communication)

Annexure A9: True copy of the communication dated 22.07.2008 issued by the UGC.

Annexure A10: True copy of the communication dated 08.04.2010 issued by the IGNOU.

Annexures with reply statement:

Annexure R1: Copy of the order dated 12.05.2015

Annexure R2: Copy of the order dated August/2015

Annexure R3: CCS (Temporary Service) Rules, 1965

Annexure R4: Office of the C&AG vide reply dated 19.12.2016

Annexure R5: The request of the Fact Finding Committee of UGC on the status of EIILM University dated nil.

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