

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A 350/926/2016

Date of Order: 20.09.2018

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member

Smt. Tetri Devi, wife of late Janki Oraw of village Partabadi, Post Office Sakrigali Gali, Police Station Taljhari, District Sahibganj (Jharkhand), Pin 816115.

--Applicant

## Versus

1. Union of India, service through the General Manager, Eastern Railway, 17, N.S Road, Kolkata 700001, having its office at 3, Koilaghata Street, Kolkata - 700001.
2. The Divisional Railway Manager, Eastern Railway, Malda Division, Post Office Jhaljhulia, District Malda, Pin - 732102.
3. The Senior Divisional Personnel Officer, Eastern Railway, Post Office Jhaljhulia, District Malda, Pin - 732102.

--Respondents

For the Applicant(s): Ms. K. Bhattacharya, Counsel

For the Respondent(s): Mr. M. K Bandyopadhyay, Counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Judicial Member:

Heard ld. counsel for both parties.

2. It is evident from the reasoned and speaking order assailed in the present O.A that the widow's prayer for employment assistance for the second son has been rejected on the ground that while seeking consideration for the first son, a fake certificate was produced and once such fake certificate was produced no second chance could be given in terms of Chief Personnel Officer, E.Rly, Kolkata's guideline bearing No. CPO/SC/SA/Pol/Pt.X (Corrp) dated

27.03.2009, which the respondents have annexed to their reply and reads as

under:

" No. CPO/ SC/ SA/ Pol/ Pt.X (Corrp)

Kolkata dtd. 27.03.2009

DRM, IIWII, ASN, MLDT

CWM, KPA, LLH, JMP

Sr. DPO's HWH, SDAH, ASN, MLDT

WPO's - KPA, LLH, JMP

Sub: Appointment on compassionate grounds- Fake School Certificate.

Of late it has been observed that some cases, at the time of submission of application for appointment on compassionate grounds 1<sup>st</sup> time for 1<sup>st</sup> child or others with fake school certificates and same detected during enquiry then the widow applied for 2<sup>nd</sup> child or 2<sup>nd</sup> time feigning ignorance. This only encourages the spirit of taking chances of submitting fraud certificate and escaping with it if luck be. Accordingly, a written clarification may be obtained from the party concerned at the time of Payment of settlement dues or at the time of enquiry by the WI/PI through a written letter that if the documents submitted are found fake afterwards then no second chance will be given and said letter/undertaking may also be kept record in file.

In view of the above, competent authority has decided that if once a fake certificate is submitted, no second chance will be given.

Sd/-

27.03.09

(B. N Hansda)

Sr. Personnel Officer/RP  
For Chief Personnel Officer. "

3. Ld. counsel for the applicant strenuously urged that in view of the decision of this Tribunal in O.A 1791/2010, the second son deserves a consideration irrespective of the fact that the first son was not found entitled to be considered for submission of a fake certificate earlier.

4. It is also noticed in an identical matter with identical issue whether any other child of the deceased employee could be considered for employment

assistance when the department found that a fake certificate was earlier submitted for consideration earlier by any son/daughter of the deceased. Hon'ble High Court permitted consideration ignoring the fact of rejection on the basis of producing fake certificate earlier.

5. Since the issue seems to be settled, the present O.A is disposed of quashing the speaking order dated 29.03.2016 with a remand of the matter back to the DRM, Eastern Railway, to consider the application afresh on the basis of merit and untrammelled by earlier rejection and issue appropriate orders within 3 months. No costs.

(Bidisha Banerjee)  
Member(J)

ss