

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**OA/020/153/2017**

**Reserved on: 03.04.2019  
Order pronounced on: 04.04.2019**

Between:

S.A. Vali,  
S/o. S. Abdul Rahman,  
Aged about 27 years, Unemployee,  
R/o. D.No.6-232, Porter Line,  
Guntakal, Ananthapur Dist.,  
Andhra Pradesh – 515 801.

...Applicant

**And**

1. Union of India rep. by  
General Manager,  
South Central Railways,  
Rail Nilayam,  
Secunderabad – 500 071.
2. The Divisional Railway Manager,  
South Central Railway,  
Guntakal Division,  
Guntakal, Ananthapur Dist.,  
Andhra Pradesh – 515 801.
3. The Senior Divisional Personnel Officer,  
South Central Railway,  
Guntakal Division,  
Guntakal, Ananthapur Dist.,  
Andhra Pradesh – 515 801.

...Respondents

Counsel for the Applicant      ...      Mr. M.C. Jacob

Counsel for the Respondents      ...      Mr. S.M. Patnaik, SC for Rlys

**CORAM:**

***Hon'ble Mr. B.V. Sudhakar***                      ...                      ***Member (Admn.)***

**ORDER**

***{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}***

2.     The OA is filed for not considering the case of applicant for compassionate appointment.

3.     Brief facts of the case are that the father of applicant being crippled in an accident took voluntary retirement in 2009 on medical grounds and sought compassionate appointment to his son. Respondents have approved the compassionate appointment for Asst Pointsman vide intimation dt 31.3.2011 and called the applicant for verification of original records. However, the verification of records was postponed. When queried under RTI it was informed on 4.9.2014 that the file dealing with his compassionate appointment has been seized by the vigilance wing of the respondent organisation. Applicant approached the Tribunal in OA 1536 of 2015 wherein respondents informed vide proceedings dt 22.8.2014 that the applicant has produced bogus educational certificates. The applicant came to know of the same vide proceedings dt 1.2.2016 of the respondents. As the Tribunal granted liberty to challenge the proceedings dt 22.8.2014 , the present OA has been filed.

4.     Respondents inform that the applicant applied for compassionate recruitment by producing transfer certificate stating that he has discontinued X class but when he was called for verification of the originals he produced TC claiming that he has discontinued studies in IX standard. Consequently

respondents asked for marks memo of IX standard which the applicant did not produce till date. Meanwhile vigilance seized the file and during investigation it was revealed by the Headmistress that the TC issued was fake and that her signature was forged. Applicant was informed by registered post that he has produced a fake educational certificate on 22.8.2014 in response to his representation dated 22.7.2014. The same fact was also revealed to the Tribunal in OA 1536 Of 2015. The applicant in his own hand writing has admitted that there was a mistake committed by him in regard to the certificate on 28.7.2011.(R-3). Respondents claim that the applicant did not have the requisite qualification of VIII standard when he applied for compassionate appointment on 18.3.2011. The applicant has not come with clean hands to the tribunal.

5. The applicant filed a rejoinder stating that the proceeding dated 22.8.2014 was not received by him but only the RTI information was received. At the time of verifying the originals respondents asking him to produce IX class marks is not true. The reason for not considering his case was known only when the OA 1536/2015 was filed. The applicant denied that he gave a statement to the vigilance wing when he appeared as defence witness in an inquiry being conducted against the Welfare Inspector, who certified his TC. The Mandal Educational Officer, Guntakal has confirmed in his reply dt 12.9.2016 to the letter of the vigilance wing dt 29.7.2016 that the Management is prohibited from giving any certificate after the closure of the school. The Regional Joint Director, Cuddapa has informed on 13.7.2016 when enquired under RTI that the school was closed on 24.4.2011 and the whereabouts of the management and the Headmistress are not known. The records of the school have not been handed

over to the Govt. authorities. Under RTI, vigilance wing has provided the letter dt 12.9.2016 with address, issued by the Headmistress that the remarks made on 28.7.2011 are true and that her signature on the certificate dt. 3.6.2006 was forged. The address of the Headmistress, when enquired through the Panchayat Secretary of the area, was found to be non-existing. The correspondent of the school when contacted has given an affidavit wherein stating that the school was closed on 24.4.2011 due to personal issues. The TC issued to the applicant is genuine and that it was signed by the Headmistress when she was alive. After Headmistress passed away the school was closed. The endorsement made by the Headmistress that the TC is fake on 28.7.2011 is not true since she was not alive at that relevant point of time. The clarification given on 12.9.2016 by the Headmistress to the vigilance wing is false.

6. Heard both the counsel and perused the documents as well as the material papers submitted.

7. Respondents, as seen from the records have approved the request of the applicant for being given compassionate appointment. However at the time of verification of originals applicant produced TC of IX standard and not that of X standard which was appended to the application for compassionate appointment. This led to a doubt and the applicant was asked to produce IX class marks, which according to the respondents, have not been produced even to this date. Applicant denies that he was asked to produce IX class marks. Respondents claim that the Headmistress confirmed that the certificate given is fake. Correspondent of the school states in an affidavit that the certificate given to the applicant was genuine. She also states that the remarks of Headmistress on the TC are false as

she was not alive at that relevant point of time. Applicant claim that the address of the Headmistress in the letter given by her to the vigilance wing does not exist as per the Panchayat Secretary of that area. Applicant claims that to fix the welfare officer who verified the TC , respondents are concocting documents and in the process he is being penalised. Respondents on the contrary assert that the Welfare Inspector, who verified the TC, to avoid being punished, got the affidavit issued. Besides, applicant contends that the author of the documents produced by the respondents is not being brought to the forefront to ascertain the truth. Therefore, in this case there are a number of claims and counter claims with documentary evidence which merit detailed investigation by an independent authority. The contentions made by both the sides are very serious and hence need the attention of the senior management on the issue Therefore, considering the aforesaid facts the 1<sup>st</sup> respondent is directed to get the matter investigated by the Chief Personnel Officer or by the appropriate Wing of the Railway Protection Force or by any other Wing which, the 1<sup>st</sup> Respondent deems fit, except the Vigilance Wing as it is a party to the issue on hand, to arrive at the truth and accordingly proceed in the matter. The time allowed to complete the exercise is 3 months from the date of receipt of this order.

8. With the above directions the OA is disposed of.

(B.V. SUDHAKAR)  
MEMBER (ADMN.)

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