

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-516/2003

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New Delhi this the 4th day of March, 2004.

Hon'ble Shri Shanker Raju, Member(J)
Hon'ble Shri S.K. Naik, Member(A)

Shri Lachi Ram Sharma,
Ex-Peon,
S/o Shri Om Prakash,
Kendriya Vidyalaya,
Badarpur,
New Delhi-44. Applicant

(through Shri Sarvesh Bisaria, Advocate)

Versus

1. Kendriya Vidyalaya Sangathan
through Commissioner,
19, Institutional Area,
Shaheed Jeet Singh Marg,
Katwaria Sarai, New Delhi.
2. Education Officer,
Kendriya Vidyalaya Sangathan,
J.N.U. Campus, New Mehrauli
Road, New Delhi.
3. Principal,
Kendriya Vidyalaya,
NTPC, Badarpur,
New Delhi. Respondents

(through Shri S. Rajappa, Advocate)

ORDER (ORAL)

Shri Shanker Raju, Member(J)

Applicant, a confirmed peon in Kendriya Vidyalaya Sangathan (KVS) impugns respondents' order of removal dated 29.5.99 as well as appellate order dated 12.12.2002, upholding the punishment.

2. While working as peon at KVS Badarpur, on an investigation carried out by Education Officer, Kartar Singh, a transfer certificate No.27703260 showing the date of birth and educational qualification was found to be forged. Applicant was proceeded with in a major penalty proceedings under Rule 14 of the CCS (CCA) Rules, 1965.

3. On completion of the enquiry where applicant was held guilty of the charge by the Enquiry Officer, in response to the aforesaid findings before the disciplinary authority (DA) applicant had on the basis of a clarification issued by the Principal, certifying certificate bearing registration No.2770 as correct apprised the DA about this letter which was sent and admittedly received by the respondents delivered through registered post.

4. The D.A. while recording the order had not taken this into consideration as an after thought as the same was not tendered during the course of the disciplinary proceedings.

5. Applicant preferred an appeal and as the appeal was not disputed of by a reasoned order OA-1237/2000 was filed, which was disposed of on 17.5.2002, directing the appellate authority to re-consider the question of registration No.2770.

6. The appellate authority in compliance of the directions rejected the appeal and in so far as the record bearing No.2770 is concerned, observed it as an after thought tendered at a belated stage.

7. Learned counsel for applicant though has taken several contentions of non-examination of witnesses, bias of the EO, case of no evidence, at the outset states that the record produced vide serial No.2770 where the transfer certificate and date of birth as per the Municipal record had been found to be genuine having not taken into

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consideration the respondents have violated principles of natural justice as under Rule 15 as well on hearing the matter the DA should have ~~submitted~~ ^k the case for judging the authenticity of the document.

8. On the other hand, respondents' counsel vehemently opposed the contentions and has fairly agreed to the proposal that the aforesaid record bearing serial NO.2770 if on verification is found to be genuine the order regarding penalty would be reviewed.

9. Having regard to the aforesaid contention, without dealing with the other contentions of applicant, OA stands disposed of with a direction to the respondents that as they are in possession of the clarification sent by registered post on 11.5.1999, which is not disputed the same shall be sent for verification through a responsible officer of respondents. Applicant shall also be informed about this verification and be allowed participation.

10. If on verification the aforesaid document proves to be genuine certifying as correct date of birth and the educational qualification respondents shall thereafter review the order of penalty and take appropriate steps to bring back applicant in service. The aforesaid directions shall be complied with, within a period of two months from the date of receipt of a copy of this order. No costs.

Naik
(S.K. Naik)
Member (A)

S. Raju
(Shanker Raju)
Member (J)