

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1860/2003

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This the 16th day of October, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. Ram Prasad
son of Sh. Ram Yadav
R/o C-77, NPL Colony, Pusa
New Delhi.
(By Advocate: Sh. A.K.Bajpai)

Versus

National Physical Laboratory
Through its Administrative Officer,
Dr. K.S.Krishnan Marg,
New Delhi.

O R D E R (ORAL)

Applicant was working as daily wager. His services has been discontinued vide impugned order Annexure P-1. In the impugned order, it is mentioned that one Sh. Jai Prakash had filed OA-3071/2000 wherein he has alleged that applicant was junior to him and has been engaged by the respondents in compliance of the directions given by this Court in OA-48/97. On scrutiny of the documents submitted by the applicant it was found that applicant had tempered with the certificate issued by Sh. J.C.Sharma, Scientist & Incharge, Electrical Section to read that he worked in the Pumping Section during 1986-87 whereas on confirmation of the matter from Sh. J.C.Sharma, it was found that he had worked as casual worker only w.e.f.5.6.1989. Thus, applicant was junior to Sh. Raj Kishore Mishra who was applicant in OA-48/97 and not eligible for re-engagement as casual worker.

2. A show cause notice was issued to him as to why his services should not be dispensed with. The applicant denied that he tempered with the documents and requested to provide Hindi version of documents. the applicant was provided the relevant documents, after considering his reply department was



satisfied that the applicant had tampered with the official documents to further his interest and thus applicant is not fit to be retained in the services, so his service was disengaged.

3. The grievance of the applicant is that a full fledged regular domestic enquiry at par with CCS (CCA) Rules should have been conducted and since no enquiry has been conducted, so principle of natural justice has been violated and impugned order is entirely illegal.

4. I have gone through the OA. The grounds taken up in the OA do not convince that any regular enquiry at par with CCS (CCA) Rules is required because the applicant is only working as a daily wager/casual worker. Still a show cause notice was issued to him and the applicant was called upon to explain and applicant had also given his reply. Since the department is satisfied that the applicant has tampered the official documents. The fact that the person who has issued the certificate had also stated that he had never issued such type of certificate as furnished by the applicant for re-engagement. thus, it stood proved that applicant had obtained benefit by using a tampered document. Since the applicant is merely a daily wager, some regular enquiry is required.

5. Hence there is no merit in the OA. No interference is called for. OA is dismissed in limine.


(KULDIP SINGH)
Member (J)

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