

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.338/2017

Date of decision: 25.10.2019

**CORAM:- R. VIJAYKUMAR, MEMBER (A) .
R.N. SINGH, MEMBER (J) .**

1. Shri Kishor Gajanan Bhoir,
Age 31 years,
Ex.Khalasi under Sr. Section Engineer
(C&W) Jasai of Mumbai Division
on the Central Railway,
R/o At-Deravali, Post-Ajiwali,
Tal.Panvel, Dist. Raigad,
Pin-410 206 (MS).

... Applicant.

(By Advocate Shri D. N. Karande)

VERSUS.

1. Union of India
Though the General Manager,
Central Railway,
2nd floor of General Manager's
Office, CST Mumbai-400 001.
2. Chief Personnel Officer,
Central Railway, 1st Floor of
General Manager's Office,
CST Mumbai-400 001 (MS).
3. Divisional Railway Manager,
Central Railway,
Mumbai Division,
CST, Mumbai-400 001.
4. Sr. Divisional Personnel Officer
Mumbai Division,
Central Railway,
CST Mumbai-400 001.
5. Sr. Divisional Mechanical Engineer
(Coaching), Mumbai Division,

Central Railway,
CST Mumbai-400 001.

6. Assistant Divisional Mechanical
Engineer (OP)
Mumbai Division,
Central Railway,
CST Mumbai-400 001.

... Respondents.

(By Advocates Shri D. A. Dube)

O R D E R (O R A L)

Per: R.N. SINGH, MEMBER (J)

1. When the case is called out, Shri D. N. Karande, learned counsel appeared for the applicants.

2. Shri D. A. Dube, learned counsel appeared for the respondents.

3. This OA has been filed by the applicant on 30.03.2017 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"a). That this Hon'ble Tribunal may call for the records pertaining to the case of Termination/Disciplinary proceedings, which led to issue the impugned order.

b) This Hon'ble Tribunal may kindly quash and set aside the impugned order dated 14.03.2017 (A-1).

c) Declare that termination ordered is invalid, void, illegal.

d) That the respondents be directed to reinstate the applicant with full

pay and its arrears and all other consequential benefits.

e) Cost of this O.A. May kindly be saddled on the respondents.

f) Any other relief that this Hon'ble Tribunal deem fit to be granted."

4. The applicant was appointed on the basis of LARSGESS Scheme vide respondents' order/letter no.BB/P/558/GMC/Khalasi dated 18.01.2016. In the process of verification of his character and antecedents through the Deputy Commissioner, CBD, Belapur, Navi Mumbai the respondents learnt about his involvement in two criminal cases registered against him in C.R.No.109/2008 under Sec 147,148,149,307,324,326,143,504,506 of Indian Penal Code and Sec 25(1)A and section of the Arms Act and another CR No.57/2011 in which Charge-sheet had been filed and applicant was acquitted as evident from the letter dated 03.09.2016 (Annexure R-5) but these facts were not disclosed in the attestation form or accompanying affidavit.

5. The respondents then issued show cause notice to the applicant to explain as to how he filled up the attestation form and affidavit but denied the fact at 12(a)(b) in the form on whether

he had ever been arrested or any case was pending against him in any court of law and also in the affidavit shown on 08.01.2016. To this, applicant filed reply vide letter dated 11.02.2017, which was considered by the respondents and termination order was issued on 14.03.2017, now impugned in this application.

6. It is admitted case of the applicant that aforesaid two criminal cases were pending against him when he was required to fill up the requisite attestation form. However, he concealed the same deliberately. The learned counsel for the applicant argues that although he has concealed the aforesaid facts, but the respondents were required to initiate regular departmental proceedings which they have failed to do.

7. Once it is the admitted case of the applicant that the applicant was involved in the two aforesaid case FIRs for very serious offenses and he did not reveal these facts before the respondents deliberately, and there is no dispute on the fact that the attestation form and affidavit filed by the applicant has alone been relied on by respondents, we are of the considered view that no

useful purpose could have been served by conducting regular enquiry. Moreover, a person who has obtained the employment admittedly by giving false and wrong declaration can't claim that his termination is bad for not holding a regular departmental enquiry against him.

8. In the facts and circumstances, we do not find any merit in the OA. Therefore, the same is dismissed. However, without any order as to costs.

U

(R. N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

V.

