

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.12361 of 2015

Date of Decision: August 06, 2015

Ashok Kumar

...Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Bhupinder Ghai, Advocate, for the petitioner.

-:-

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner is aggrieved by the order dated 10.09.2012 and the office note dated 10.09.2012 as well as the order dated 22.05.2015 whereby the Central Administrative Tribunal, Chandigarh Bench has dismissed his Original Application in which he laid challenge to the order of termination of his services as Gramin Dak Sewak Branch Postmaster at Raisal, District Patiala.

[2] The facts are not in dispute. The petitioner, relying upon the matriculation certificate issued by the "Council of Secondary Education, SAS Nagar, Mohali" dated 29.06.2010, applied and was selected for the vacant post of Gramin Dak Sewak under the Patiala H.O. He was appointed vide order dated 05.08.2011.

[3] The services of petitioner were terminated vide order dated 12.07.2012 in purported exercise of powers under proviso to Rule 8 of the Gramin Das Sewak (Conduct &

Engagement) Rules, 2011 on the ground that the matriculation certificate relied upon by him was fake and un-recognized.

[4] The Tribunal has, after referring to the relevant material, categorically held and rightly so that the so called Council of Secondary Education, SAS Nagar, Mohali, is neither an institution of Education Department nor it has been recognized by any Government or Government Agency. In fact, the Education Department, Government of Punjab has issued a public notice dated 17.01.2012 informing the general public that the above-named Council is a fake institution. The public notice was issued in compliance to the directions issued by this Court.

[5] Since the petitioner has not been found in possession of the requisite qualification and the certificate relied upon by him was issued by a fake, bogus and fraudulent institution, no fault can be found with the order of termination of his services.

[6] In our considered view, it is a fit case where the petitioner should take appropriate action against the proprietors or Directors etc. of the so called Council who have duped him. The petitioner shall be at liberty to initiate criminal or civil action against the fake Council, in accordance with law.

[7] With liberty aforementioned, the writ petition stands dismissed.

[SURYA KANT]
JUDGE

August 06, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE