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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3583/2015

Date of judgment: 21st August, 2015

PREM SINGH

..... Petitioner

Through : Mr. Dinesh Kumar, Advocate.

Versus

THE GENERAL MANAGER, NORTHERN
RAILWAY AND ORS.

..... Respondents

Through : Mr. Ashok Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J.

1. Aggrieved by the order of the Central Administrative Tribunal, Principal Bench, New Delhi dated 21.11.2014 in Original Application No. 2698/2013, the petitioner has filed the present writ petition under Article 226 of the Constitution of India for setting aside the aforesaid order and for issuing necessary directions to the respondents.
2. The brief facts of the case are that the petitioner's father Sh. Ved Prakash was working on the post of Loco Pilot Shunter in Pay Band-I (Rs. 5,200 to Rs. 20,200). Sh. Ved Prakash was declared unfit in medical category Aye one and found fit in Aye two. However, his request for voluntary retirement on account of his being medically unfit was approved vide order dated 18.10.2010 issued by the office of respondent no. 2. By the same order, the appointment of his son in Group 'D' category

on compassionate ground was also accepted and approved by the competent authority of respondent No. 1 and 2.

3. However, since no appointment letter was received by the petitioner nor reminders issued were replied, he was forced to approach the Central Administrative Tribunal.
4. According to the respondents, the petitioner could not have been considered for compassionate appointment against a Group 'D' post in Northern Railway as he did not possess the minimum qualification of Class 8 and the certificates produced by him were forged and fabricated. Since the OA filed by the petitioner was dismissed, the present writ petition has been filed.
5. Mr. Dinesh Kumar, Counsel for the petitioner submits that the order passed by the Central Administrative Tribunal is unjust, illegal, arbitrary and against the principles of natural justice. It is further submitted that the Tribunal has failed to appreciate the documents produced on record which prove that the petitioner has fulfilled the Minimum Educational Qualification for recruitment in 'Group-D' Category Posts of the respondent No. 2.
6. It is further clarified by Mr. Dinesh Kumar, counsel for the petitioner that respondent no. 2 vide its letter dated 16.03.2011 admitted and reiterated that minimum qualification prescribed for appointment in Railways is 8th class pass.
7. On the contrary, Mr. Ashok Kumar learned counsel appearing for the respondents demolished the case of the petitioner while challenging the alleged certificate dated 01.09.2011 issued by

the Jawaharlal Junior High school to the petitioner. The counsel for the respondents submitted that the alleged certificate relied upon by the petitioner is forged and fabricated. The counsel for the respondents further clarified that respondent no.4 vide its report dated 31.03.2011 to the Chief Personal Inspector, Northern Railway, DRM Office, New Delhi, made it clear that the school leaving certificate produced by the petitioner was not issued by the said authority.

8. We have heard the learned counsel for the parties and considered their rival submissions. We have also carefully examined the impugned order passed by the Central Administrative Tribunal dated 21.11.2014. It is the case of the petitioner that he fulfilled the requisite qualification of being 8th standard pass to seek appointment on compassionate grounds with respect to a Group 'D' post on the voluntary retirement of his father, and in support of his said qualification the petitioner had filed his marks-sheet and also the School Leaving Certificate, but the respondents have denied the said appointment to the petitioner on extraneous grounds by taking a plea that the records of the school from where the petitioner had passed the middle standard does not exist anymore.
9. The issues involved in the present writ petition can be summarized as under:
 - (i) Whether the petitioner passed 8th class from Jawahar Lal Junior High School in the year 1986 or not?

(ii) Whether the certificate produced by the petitioner is authentic and could be looked into for the purpose of recruitment?

10. The learned Central Administrative Tribunal by reason of its impugned order dated 21.11.2014 passed in O.A. No. 2698/2013 arrived at the following findings of fact. It would be useful to reproduce para 3 of the judgment, which read as under:

“Once the applicant himself relied upon a certificate purportedly issued by the Jawaharlal Nehru Junior High School to the applicant certifying that he passed 8th class from the said school on 30.06.1986, he cannot now contend that the school did not have the record for the period prior to 1994. If the record was not there in the school, the certificate produced by the Applicant could not have been issued. In such a situation, it is difficult to rely upon certificate dated 01.09.2011 issued by Mahavir Singh Inter College to accept the submission put forth by the learned counsel for the applicant. Moreover, it is also the case of the respondents that he does not fulfils the requisite qualification i.e. matriculate now required for appointment to group ‘D’ post in the Railway Board. Even otherwise also the date of birth of the applicant is 04.02.1971 and by now he is 43 years old. Even on 08.10.2010 also, the age of Shri Prem Singh, i.e., the applicant herein, was 39 years and at that age he could not be considered as dependent of his father to get compassionate appointment.”

11. It is common knowledge that in matters pertaining to employment, when information with regard to the authenticity

of the documents is called for, it is intended to verify and cross-check the suitability of the candidate for the job. In the instant case, the Central Administrative Tribunal has returned a specific finding that the certificates sought to be relied upon by the petitioner are forged and fabricated certificate. The appointment of the petitioner is thus, void and non est in the eyes of law.

12. Even during the pendency of this writ petition, the documents filed by the petitioner on record, i.e., certificate issued from J. L. Nehru Junior High School, Shastri Nagar, Ghaziabad, Uttar Pradesh and the confirmation letter issued by the respondents (Annexure-P-2) were re-examined. Learned counsel for the respondents has drawn our attention to the letter dated 31.03.2011(Annexure-R-1), as per which the documents relied upon by the petitioner were not issued by the respondent no. 4 i.e. the school aforementioned. It has also been pointed out by the counsel for the respondent that the alleged certificate was also counter signed by Zila Basic Shiksha Adhikari, Uttar Pradesh. During the course of hearing, learned counsel for the respondents had further submitted that he had received yet another letter dated 14.07.2015 from J. L. Nehru Junior High School informing that the school leaving certificate and mark-sheet, relied upon by the petitioner herein, stating that the certificates in dispute were not issued by the said school. After perusal of the documents placed on the record and the submissions above made, we are of this view that the authenticity of the documents has not been proved. In the light of the communications dated 31.03.2011 (Annexure-R-1) and

14.07.2015 (Annexure-R-5) we found that the certificates relied upon by the petitioner are forged and fabricated.

13. There is another important angle to the present case which we must delve upon before disposing of the present petition. The petitioner in his pleadings before this Court has vehemently contended that the school did not have the record for the period prior to 1994 which is contrary to the certificate dated 01.09.2011 issued by Mahaveer Singh Inter College and relied by the petitioner. In our view, if the record was not available in the school, the certificate produced by the petitioner could not have been issued. In such a situation, it is difficult to rely upon the certificate dated 01.09.2011 produced by the petitioner.
14. We find no infirmity in the judgment of the Central Administrative Tribunal; resultantly the writ petition is dismissed.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 21, 2015

sc/pst