

HONOURABLE SRI JUSTICE J. SREENIVAS RAOWRIT PETITION No. 18553 OF 2004**ORDER :**

This writ petition is filed seeking a Writ of Certiorari to call for the records in respect of LCID.No.89 of 2002 on the file of the Court of Central Government Industrial Tribunal-cum-Labour Court, Hyderabad; to declare the action of the respondents in terminating the services of the petitioner as “Helper-A” *vide* Proceedings No.NFC/Estt.111/5901/CFFP-P/2001, dated 14.12.2001 on the ground of additional qualification as illegal, arbitrary and to set aside the same; and further to direct the respondents to reinstate the petitioner as “Helper-A” with full back wages and all consequential benefits.

2. Brief facts of the case which arises for consideration in this writ petition are as follows:

The respondent-organization issued a Notification No.NFC/PAR-I/03/27/706, dated 19.7.1999 inviting applications for the post of “Helper-A” by prescribing Educational Qualification between III and VIII standard. In the call letter also the respondents clarified that the literacy level should be between III and VII including VIII standard failed. In pursuance of the said notification, the petitioner had submitted an application for the post of “Helper-A” on 31.07.1999. In the said application, he mentioned that he passed VII standard only. In the selection process, the petitioner was selected and he was appointed as “Helper-A” in the respondent organization w.e.f., 29.05.2001. In the attestation forms also the petitioner mentioned his educational

qualification as VII standard only. After joining the service, the respondent organization came to know that the petitioner submitted false information that he studied XI class. Whereas, he mentioned in the application form that he is having only VII standard. In the attestation form also the petitioner furnished false information before joining the services of respondent organization. In the attestation form the respondent-organization included various warning conditions in order to discourage furnishing false information by the employees before or after joining the respondent organization. The warning conditions stipulated by the respondent organization read hereunder:

(a) . Furnishing of false information or suppression of any factual information in the attestation form would be a disqualification and is likely to render the candidate unfit for employment under the Government.

(b) If detained, convicted, debarred etcetera subsequent to completion and submission of the form, the details should be communicated immediately to the Union Public Service Commission or the authority to whom the attestation form has been sent earlier, as the case may be, failing which, it will be deemed to be a suppression of factual information.

(c) If the fact that false information has been furnished or that there has been suppression of any factual information in the attestation form, which comes to notice at any time during the service of a person, his services would be liable to be terminated.

3. Immediately after coming to know about furnishing of false information by the petitioner, the respondent organization addressed a letter to the District Employment Exchange, Ranga Reddy district, vide Letter No.NFC/Vig/1(01)/5901/2001/2319, dated 01.11.2001. After confirmation of the educational qualification of the petitioner, they terminated the services of the petitioner vide Order No.NFC/Vig/1 (01)/5901/CFFP(P)/2001 w.e.f.,

14.12.2001. In the said termination order, they specifically mentioned that in terms of Para 1(a) of offer of appointment No.NFC/Estt.III/5901/CFEP-P/2001, which reads hereunder:

"Your employment is on ad hoc basis, but likely to be regularized depending upon your suitability. Further you will be on probation for one year, which may be extended at the discretion of the competent authority. During the period of your ad hoc service/period of probation, your services are liable to be terminated at any time without assigning any reasons and without any notice. On satisfactory completion of the probation period, you will be entitled to one month notice of termination or one month wages in lieu thereof. No notice could be insisted upon in the event of your resigning the employment in Nuclear Fuel Complex during the period of probation. But on completion of probation, you will be required to give one month notice for resignation."

4. Challenging the above said impugned termination order passed by the respondent-organization, dated 14-12-2001, the petitioner approached Central Government Industrial Tribunal-cum-Labour Court, Hyderabad invoking the provision under Sec. 2A (2) of the Industrial Disputes Act, 1947 and filed LCID.No.89 of 2002.

5. Before the Industrial Tribunal, the petitioner was examined as WW-1 and Exs.W-1 to W-8 were marked on his behalf. On behalf of the respondent-organization, MW-1 was examined and Exs.M-1 to M-10 were marked. The Labour Court after considering the contentions raised by both the parties and on perusing the oral and documentary evidence placed on record, dismissed the LCID.No.89 of 2002 holding that the petitioner deliberately shown false qualification and also given an undertaking that he is not having higher

qualification. The Labour Court further held that the evidence produced by the respondent-organization clearly establishes that the petitioner is having higher qualification and he suppressed the said factum while submitting his application and also in the attestation form and uphold the termination order passed by the respondent organization dated 14.12.2001 is valid in law.

6. The learned counsel for the petitioner contended that the respondent-organization as well as Labour Court without considering the contentions of the petitioner in a proper perspective and also the oral and documentary evidence placed on record, has dismissed LCID.No.89 of 2002 and the same is contrary to law.

7. On the other hand, the learned counsel for the respondent-organization contended that the petitioner has suppressed his educational qualification and he submitted an application to the post of "Helper-A" and the petitioner is not entitled for the said post. In the attestation form also he submitted false information. The respondent-organization has withdrawn the offer of appointment issued to the petitioner and terminated his services w.e.f. 14.12.2001 by specifically mentioning the reasons thereon as stated *supra* and there is no illegality and the Labour Court rightly passed the impugned Award.

8. This Court having considered the rival submissions made by the parties, *prima facie* is of the considered view that after considering the contentions raised by the respective parties and as well as the oral and documentary

evidence placed on record, the Industrial Tribunal-cum-Labour Court, Hyderabad, has rightly dismissed LCID.No.89 of 2002 by assigning cogent and clinching reasons while passing the impugned Award, dated 13.10.2003 holding that the petitioner deliberately shown false qualification and also given an undertaking that he is not having higher qualification. Since, no illegality or irregularity has been pointed out by the learned counsel for the petitioner in the impugned Award passed by the Labour Court, this Court is not inclined to interfere with the award passed by the Labour Court as the scope of judicial review is very limited to exercise the jurisdiction conferred under Article 226 of the Constitution of India. The writ petition is devoid of merit and the same is liable to be dismissed.

9. The writ petition is accordingly dismissed without costs.

10. As a sequel, miscellaneous applications pending if any, shall stand disposed of.

JUSTICE J. SREENIVAS RAO

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CIRCULATION No.64
Dated : 30.12.2022
PS/COURT MASTER : ISL