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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision:- 29.01.2024***

+ W.P.(C) 1217/2024, CM APPL. 5057/2024 –Stay & CM APPL. 5058/2024 -Ex.

UNION OF INDIA & ANR.

..... Petitioner

Through: Mr.S.A.Haseeb with Mr.Tanveer
Zaki, Advs.

versus

PRIYANKA YADAV

..... Respondent

Through:

CORAM:**HON'BLE MS. JUSTICE REKHA PALLI****HON'BLE MR. JUSTICE RAJNISH BHATNAGAR****REKHA PALLI, J (ORAL)**

1. The present writ petition under Article 226 of the Constitution of India seeks to assail the order dated 01.06.2023 passed by the learned Central Administrative Tribunal in O.A. No.2032/2018.
2. Vide the impugned order, the learned Tribunal has allowed the O.A. preferred by the respondent by setting aside the order dated 23.03.2018 vide which her services as a Staff Nurse, to which post she was appointed on 17.11.2017, were terminated. However, while directing the petitioners to reinstate the respondent within 8 weeks, the learned Tribunal has made it clear that she will not be entitled to any benefits for the period between the date of her dismissal and reinstatement.
3. In support of the petition, learned counsel for the petitioners submits



that the learned Tribunal, while setting aside the respondent's termination, has failed to appreciate that she had, in order to secure employment with the petitioner, produced a fake certificate from her erstwhile employer and was, therefore, rightly terminated. He submits that the certificate dated 16.01.2018 produced by the respondent, which certifies that she had worked as a staff nurse in the Medanta Hospital-The Medicity for the period between 18.11.2013 and 08.07.2014, was disowned by the hospital itself. He contends that once it was evident that the respondent had produced a forged and fabricated experience certificate, she did not deserve any sympathy. He, therefore, prays that the impugned order be set aside.

4. Having perused the impugned order and the documents placed on record, we find that the respondent had initially submitted an experience certificate dated 16.01.2018 from Medanta Hospital. As per the said certificate, the respondent was employed as a Staff Nurse with the said hospital between 18.11.2013 to 08.07.2014. Even in her application form, the respondent had mentioned her experience with the Medanta Hospital for the same period. No doubt the said certificate upon verification was opined to be inappropriate by the hospital, who claimed that the same was not issued by the concerned office. However, it needs to be noted that the very same officer of the Medanta Hospital, who had informed the petitioner that the certificate dated 16.01.2018 was inappropriate, had soon thereafter i.e. on 03.02.2018 issued another certificate endorsing that the respondent had worked as a Staff Nurse in the Hospital between the very same period as mentioned in the earlier certificate dated 16.01.2018. It also needs to be noted that though the certificate dated 16.01.2018 was termed by the Medanta Hospital as inappropriate, the same was never turned as forged or



fake. There is absolutely nothing on record to support the bald plea of the petitioner that the respondent had relied on a forged certificate. We, therefore, find no merit in the petitioner's plea that the certificate produced by the respondent was forged or fake.

5. On the other hand, we find that the respondent's consistent plea that she had worked as a staff Nurse with the Medanta Hospital between 18.11.2013 to 08.07.2014 stands duly verified by the hospital itself which had issued a certificate dated 03.02.2018 clearly testifying this fact. Learned counsel for the petitioner has not denied the correctness of the certificate dated 03.02.2018 and therefore, it is now an admitted position that the respondent had worked as Staff Nurse in the said hospital for the period between 18.11.2013 to 08.07.2014, which period was mentioned by her in her application form as well. Merely because the initial certificate furnished by the respondent was opined to be inappropriate having not been issued by the concerned office of Medanta Hospital, it would be highly unjust to deprive the respondent of the appointment which she secured on the basis of her merit and past experience with Medanta Hospital, which now stands established. Furthermore, it is not even the case of the Medanta Hospital that the certificate dated 16.01.2018 was a forged document.

6. For the aforesaid reasons, we are of the view that the learned Tribunal was correct in holding that the penalty of dismissal imposed on the respondent was harsh and shockingly disproportionate. However, the learned Tribunal being conscious of the fact that the initial certificate dated 16.01.2018 submitted by the respondent was inappropriate, has while allowing the OA, deprived her of all benefits of service of the period she remained out of job. Consequently, as on date the respondent has already



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been deprived of all benefits for a period of almost six years w.e.f. 23.03.2018, when she was terminated from service. We, therefore, find absolutely no reason to interfere with the impugned order.

7. The writ petition along with pending applications is, accordingly, dismissed.

(REKHA PALLI)
JUDGE

(RAJNISH BHATNAGAR)
JUDGE

JANUARY 29, 2024
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