
(2001) 08 PAT CK 0042
In the Patna High Court
Case No : C.W.J.C. No. 9892 of 1999

Balkrishna Singh	Vs	APPELLANT
The Indian Oil Corporation Ltd. and Others		RESPONDENT

Date of Decision : 31-08-2001

Acts Referred:

Citation : (2001) 3 BLJR 1947 : (2001) 4 PLJR 358

Hon'ble Judges : R.N. Prasad, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.N. Prasad, J.—The petitioner has moved this Court for quashing the order dated 1 -8-1996, Annexure-1, whereby the service of the petitioner has been terminated from the date of issue of the letter.

2. The relevant facts of the case are that the petitioner filed an application pursuant to the advertisement published in October, 1992 by the Indian Oil Corporation Ltd.; for appointment claiming to be by caste Kharwar, scheduled Tribe. The petitioner appeared in the written test as well as interview. He was offered for appointment on the post of Operator "D" (Production Trainee) vide letter dated 17-2-1993, Annexure-5, on a stipend of Rs. 600 per month. In the said letter it was categorically mentioned that his appointment is provisional and is subject to the caste/tribe certificates being verified through the proper channels and if the Certification reveals that the claim to belong to Scheduled Caste or Scheduled Tribe, as the case may be, is false, the services would be terminated forthwith without assigning any further reasons and without prejudice to such further action as may taken under the provisions of the Indian Penal Code for production of false certificate. The petitioner joined on 10-3-1993. He completed his training and certificate was issued to the petitioner to the aforesaid effect. On completion of training he was appointed as Operator "D" in the pay scale of Rs. 1150 - 2150 Vide letter dated 9-9-1994, Annexure-9. In Annexure-9, it was categorically mentioned that other terms and conditions of

his appointment will remain the same as stipulated in the letter dated 17-2-1993, Annexure-5. However, on verification of the caste certificate it was revealed that certificate produced by the petitioner was false and fabricated and as such his service was terminated vide Annexure-1. The petitioner has challenged the order, Annexure-1, on the ground that it was passed without giving opportunity of being heard to the petitioner. Criminal case was also lodged in which the petitioner has been granted bail.

3. A counter-affidavit has been filed on behalf of respondents wherein it has been stated that one complaint, Annexure-A was filed by one Bimal Kumar Mandel stating therein that the petitioner has obtained job on the basis of false and fabricated certificate. He was not "Kharwar" by Caste/Scheduled Tribe. He is Kurmi by caste and belongs to Other Backward Classes. On receipt of complaint, Annexure-A, the Vigilance Officer initiated inquiry and the petitioner was asked to explain. The petitioner, vide letter dated 11-4-1996 admitted that he had committed forgery in obtaining caste certificate. The details of commission of forgery have also been mentioned in the letter and it has been stated that since he was unemployed youth he committed forgery. He undertook that he would not commit any such act in future. For verification of the certificate inquiry was made also from the B.D.O who reported that certificate is forged, Annexure-D. The S.D.O. also reported that certificate has been obtained by committing forgery. After inquiry it was held that the petitioner has committed forgery and accordingly order, Annexure-1, terminating the services of the petitioner was passed/communicated.

4. Learned Counsel for the petitioner pointed out that no opportunity was given to the petitioner and as such order, Annexure-1, is bad in law. Submission of learned Counsel for the petitioner, in my view, has no substance at all. It is evident from Annexure-5 that initially he was offered provisional appointment in which it was made clear that if the caste certificate produced by the petitioner is found to be false and fabricated, his service would be terminated without assigning any reason. The said condition was also enumerated in Annexure-9, letter of appointment stating therein that condition mentioned in Annexure-5 would continue. On receipt of complaint, Annexure-A to the counter-affidavit inquiry was initiated by the Vigilance Officer. The petitioner himself filed a petition, Annexure-B, admitting that he committed fraud in obtaining certificate. Details of commission of fraud had also been mentioned therein. Further inquiry was made from the B.D.O. and the S.D.O. and they have reported that certificate of the petitioner is product of forgery committed by the petitioner. Therefore, it is evident that enquiry was held and the petitioner himself admitted that he committed forgery.

5. In such a situation this Court finds no reason to grant any relief to the petitioner. Accordingly, writ petition is dismissed.