

Sri M Padmanabha Vs. the Divisional Controller, Ksrct

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Court : Karnataka

Decided On : Nov-10-2010

Judge : V.Jagannathan J.

Acts : [Industrial Disputes Act, 1947](#) - Section 10(4-A) ;

Appeal No. : W.P.No.36994/2009 (LK)

Appellant : Sri M Padmanabha

Respondent : The Divisional Controller, Ksrct

Advocate for Def. : Sri K S BHARATH KUMAR, ADV.

Advocate for Pet/Ap. : SMT MANJULA N KULKARNI, ADV.

Judgement :

ORDER

1. The petitioner is aggrieved by the I Addl. Labor Court, Bangalore, rejecting his prayer for setting aside the order of dismissal and following the rejection of his dispute which was raised by him under section 10(4-A) of the Industrial Disputes Act r/w Section 2-A of the said Act, he is before this Court.

2. The facts in brief are that the petitioner in response to the Notification issued by the respondent-KSRTC. Applied for the post of Driver and was selected as a Driver and was issued letter of appointment on 25.7.1987. When verification was

done with regard to the educational qualification of the petitioner, it was found that the transfer certificate bearing No. 161/86-87 produced by the petitioner was a fake document. An enquiry was ordered into the said aspect and following the report of the Enquiry Officer, which was accepted by the

Respondent - Corporation, order of dismissal was issued on 21.4.2001. This order was called in question before the Labor Court as mentioned above and the Labor Court rejected his prayer for setting aside the dismissal order.

3. Learned counsel for the petitioner argued that the petitioner had not furnished any bogus transfer certificate and the petitioner also stated that he had studied at San tosh English Higher Primary School situated at Bangarpet, he ought to have mentioned the same in the application form and moreover, the petitioner is not aware of how the fake transfer certificate (Ex.M12) came to be annexed to his application and therefore the Labor Court was not justified in rejecting the dispute raised by the petitioner.

4. The second contention put forward by the petitioner's counsel is that the petitioner had in fact studied up to 4th Standard in a different school viz., Santosh English Higher Primary School and not in the school which is mentioned in Ex.M12.

5. The third ground urged is that in respect of similarly placed employees, the Corporation has taken a lenient view of the matter. Under these circumstances, the Labor Court was not justified in rejecting the prayer of the petitioner for setting aside the order of dismissal.

6. On the other hand, submission of Sri. K.S. Bharath Kumar for the respondent-Corporation is that the petitioner himself has admitted that he had produced a bogus certificate in so far as he having been studied in a Government Junior College at Anekal and Ex.M18 is therefore admittedly a bogus document. Secondly, Ex.M12 which is the transfer certificate produced by the petitioner was also found to be a bogus one, on verification with the concerned authorities. If the petitioner had not studied in the Government Junior College at Anekal, there was no necessity for the petitioner to say in the application at Col. 13 that he had

studied in the Government Junior College at Anekal. Further, if the petitioner had studied at Santosh English Higher Primary School, he would not have failed to mention the same in the application form. Under these circumstances, when the transfer certificate produced for the purpose of proving the educational qualification was found to be a bogus one and actually the said certificate Ex.MI2 bearing No. 161/86-87 having been found to have issued in the name of one N.Sandhya, D/o K. Narayana Rao. the petitioner has therefore misled the Corporation and obtained the appointment on the basis of a bogus transfer certificate. Under these circumstances, the Labor Court was justified in rejecting the dispute raised by the petitioner and confirming the dismissal order.

7. As far as the cases of other employees are concerned, mainly because in the past the Corporation had taken a lenient view, that itself will not give any right to the petitioner to insist on he being treated in like manner more so when the appointment was obtained under a bogus transfer certificate.

8. Having thus heard both sides and after going through the reasons assigned by the learned Presiding Officer of the II Additional Labor Court, particularly at paragraphs 14 and 15. I do not see any error being committed by the court below in rejecting the dispute raised by the petitioner. When a person seeks appointment by producing a bogus certificate, it is not a case which requires to be considered leniently. When at the very inception, the petitioner has played fraud on the Corporation by submitting a bogus certificate, it will be unsafe for the Corporation to continue the person's services, as honesty suffered causality at the threshold itself.

For the aforesaid reasons, I see no justification to interfere with the award of the Labor Court. Writ petition lacks merit and it is dismissed.

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