

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO. 789 OF 2007

DIST.: DHULE

Shri Sunil S/o Raghunath Shirsat,
Age: 31 Years, Occu: Service,
R/o. Pundliknagar, Plot No. 8-A,
Near Yogeshwar Colony, Shirpur,
Dist. Dhule.

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APPLICANT

V E R S U S

1. The State of Maharashtra,
(Notice to be served on Presenting Officer,
MAT Bombay Bench at Aurangabad)

2. The Director (Finance & Statics)
Directorate of Finance & Statistics,
Administrative Building,
Mumbai Upanagar Zilla,
8th Floor, Government Colony,
Wandre (East) Mumbai -400051

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RESPONDENTS

APPEARANCE : Shri Abhijit Awhad, learned Advocate for
the Applicant (**Absent**).

: Shri S.K. Shirse, Learned Presenting
Officer for the Respondents.

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
AND
HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 04.08.2017.

ORDER

[Per- Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)]

1. None for the Applicant. Heard learned Presenting Officer Shri S.K. Shirse for the Respondents.

2. None was present for the applicant on 30.06.2017 and 25.07.2017. Learned Presenting Officer was heard for the Respondents on 31.07.2017 and the case was closed for orders.

3. The Applicant was appointed as Investigator on compassionate ground by order dated 7.7.2004 by the Respondent No. 2. This appointment was given subject to various conditions. The Applicant had filed an Attestation Form regarding his character and antecedents. The Applicant claims that he gave correct information in the Attestation Form that he was not arrested by the order of any Court. Though a Criminal Case under Sections 420, 468 & 471 of I.P.C. was registered against him, he was not issued summons till the date of filing Attestation Form. The Charge sheet was filed on 1.10.2004, i.e. after his appointment on 7.7.2004. The Applicant claims that the

order dated 1.11.2007 terminating his services is illegal as he had not suppressed any information in the Attestation Form nor given any false information.

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that the Applicant deliberately suppressed the information that he was arrested in a Criminal case on 15.04.2004 and charge sheet against him was filed in the Court on 1.10.2004. The Applicant did not disclose this information while filing the Attestation Form. Learned P.O. argued that the Applicant was arrested in case of moral turpitude and he is not fit to be in Government service. His services were terminated after he was given a show cause notice and his reply was duly considered.

5. We find that copy of the Attestation Form submitted by the Applicant is at Exhibit R-5 (page no. 47 of the Paper Book). The Applicant has replied 'no' to the question No. 11(a) which reads:-

“11(a) Have you ever been arrested, prosecuted, kept under detention, or bound down/find/convicted by a court of law for any offence or debarred/disqualified

by any Public Service Commission from appearing at its examinations/selections or debarred from taking any examinations/rusticated by any University or any other educational authority/Institution?”

6. The reply ‘no’ is clearly false, though, if 11(a) in Marathi version is considered, there is some scope in support of the contention of the Applicant. However, 11(b) is quite unambiguous and answer ‘no’ is clearly false. This Attestation Form is signed on 8.2.2005 by the Applicant. The Applicant was arrested on 15.04.2004, and he has admitted the charge sheet was filed on 1.10.2004 against him. It is clear that the Applicant is trying to evade the substantial issue that he failed to disclose that he was arrested in a serious Criminal Case and the case was pending in the Court, when he submitted the Attestation Form. The Attestation Form has the following warning:-

“1. The furnishing of False information or suppression of any factual information in the Attestation Form would be disqualification and is likely to be render the candidate unfit for employment under the Government.

2. *If detained, convicted, debarred etc. subsequent to the completion and submission of this form, the details should be communicated, immediately, to the Maharashtra Public Service Commission or the authority to whom the attestation form has been sent earlier, as the case may be. Failure to do so will be deemed to be suppression of factual information.*

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

4. *While furnishing information regarding column No. 11 of the Attestation Form, Candidate must write "Yes" or "No". If the column is kept blank or simply a dash is marked by the candidate, Attestation Form will be returned to him."*

7. The Applicant was clearly informed that furnishing of any false information or suppression of factual information will result in termination of service. The Applicant has clearly suppressed vital information and also given false information in the Attestation Form. We do not find any reason to interfere with the impugned order.

8. This Original Application is accordingly dismissed with no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

Kpb/DB OA No 789 of 2007 RA 2017