



PUNJAB STATE TRANSMISSION CORPORATION LIMITED

(Office of: Chief Engineer/HIS&D, PSEB H.O. Building, The Mall, Patiala)

Speaking Order No : *691* / CE/HIS&D/Cert.Verf/51. Dated: *20-10-16*

Subject: Regarding appeal of Sh. Jograj Singh, (SSA, Emp.ID 603262 Terminated) in the context of Hon'ble High Court's judgment regarding CWP no. 4920 of 2016 in the termination case of the concerned official.

Whereas Sh.Jograj Singh, (SSA, Emp.ID 603262- now terminated) applied for the post of SSA under CRA-02/2012 under the Ex-Serviceman category, citing having passed Punjabi/matriculation, a pre-requisite condition of eligibility, from Delhi Board of Senior Secondary Education. Upon selection, he was given an offer of appointment vide memo no 1144 dated 23.08.2013 with certain conditions. Under condition 16 of offer of appointment it was mentioned that, he will produce original certificates in confirmation of his qualifications, which will be got verified for genuineness, from the concerned Board/University and in case of non-verification of certificates, his services will be terminated immediately from the date of joining and legal proceedings can also be initiated. With due consideration to the conditions of offer of appointment, Sh. Jograj Singh joined as SSA on 09-09-2013.

Whereas it was clearly mentioned in the advertisement of CRA-02/2012 that the candidates are required to pass "Punjabi" atleast upto Matric/10th standard up to the last date of receipt of application which was 03.09.2012. In fact, no candidate could have successfully submitted his online application unless he has passed Punjabi upto matric level by that time and has indicated "Yes" against "Punjabi Passed?" in his online application form. As per conditions of advertisement and offer of appointment, Sh. Jograj Singh has submitted his Matriculation/Punjabi pass certificate issued by Delhi Board of Senior Secondary Education alongwith his other documents. His Matriculation/Punjabi pass certificate was sent to Delhi Board of Senior Secondary Education, Goraya, Jalandhar for the verification of its genuineness. However, no response was received regarding the verification of Matriculation /Punjabi pass certificate from DBSSE. Rather, the Delhi Police press release dated 06-05-2014 came to the notice, according to which they have busted fake marks-sheet and education certificate racket and as per the report few persons have been arrested in the case and blank certificates of various Board/Universities including those of Delhi Board of Senior Secondary Education, have also been recovered from them.

Whereas he produced a self-declaration in this office, in which he stated that since his matric certificate of Delhi Board of Sr. Secondary Education is not being

verified, so he stated that, he has also passed matriculation from CBSE in 2000/2001, and requested to consider this CBSE Matriculation certificate in case of non-verification of DBSSE Matriculation certificate. But the same was neither mentioned in his application form nor it was produced at the time of document verification. Further, Punjabi was not included as a subject in this certificate. He, also revealed that he has also passed PUNJABI as an additional subject in April, 2014 from National Institute of Open Schooling and also cleared PUNJAB HISTORY AND CULTURE in +2 from Punjab School Education Board.

Whereas a notice was also issued to him vide office memo no 11273/Rect/ Cert.verify/51 dated 24.07.2015, stating that no verification with regard to the matriculation certificate as the proof of passing Punjabi, had been received and also referring about the press release dated 6.05.2014 of Delhi Police on internet regarding the running a racket of issuance of fake certificates. He was asked to submit a reply proving the genuineness of the certificate/board in writing to the office uptill 04.08.2015 otherwise action will be initiated for the termination of his services. Another opportunity was also given vide memo No. 11655/Rect./Cert.Verif./51 (reminder) dated 4.08.2015 asking him to submit his reply by 20.08.2015.

Whereas, in response, Sh. Jograj Singh submitted a request letter received on 26.10.2015 same copy was also addressed to CMD/PSTCL, stating that:-

- a) He was not aware of the fact that Delhi Board of Senior Secondary Education is a fake board and the same is revealed vide Delhi Police press release dated 06.05.2014. This fact came to limelight after 13 years of passing matriculation alongwith Punjabi as one of the subject. He has also passed matriculation from Central Board of Secondary Education but has not passed Punjabi as one of the subject in the same certificate.
- b) He has passed Punjabi from National Institute of Open Schooling Secondary Examination in April, 2014.
- c) He was issued offer of appointment under Ex-Serviceman category, wherein relaxation is available for clearing PUNJABI in six months after joining as per Punjab Government regulations.

So, on the basis of above statements he requested to consider the Matriculation certificate of CBSE and National Institute of Open Schooling certificate for Punjabi pass.

Whereas the case was sent to legal section for legal view, who has opined that

- a) *"if clearing of Punjabi of 10th standard is pre-requisite condition then candidate should have passed "Punjabi" before applying for the post. Such condition cannot be waived off.*

- b) *Legal section further advised that only the certificates/documents produced before document checking committee on 25.07.2013 needs to be considered.*
- c) *Legal section is also of the view that Sh.Jograj Singh managed to procure appointment as SSA on the basis of matriculation certificate issued by DBSSE which could not be verified as genuine. But if DBSSE is declared fake then he can be considered for dismissal/termination instead of removal from service as proposed and for recovery of whole salary drawn by him from the date of joining till dismissal/termination or removal and Criminal Case can be lodged at Local Police Station, Patiala as he has produced fake/invalid certificate at the initial stage to procure employment in PSTCL and committed the crime with PSTCL. "*

Whereas, as per opinion of the Legal Section and with the approval of competent authority, the employee was given yet another chance, through a final notice as per memo no. 1884/Rect./Cert.Verif./51 dated 16.02.2016, to prove the genuineness of the certificates submitted by him in proof of his eligibility by 03.03.2016, and it was informed that otherwise his services would be terminated w.e.f his date of joining along with initiation of legal proceedings.

Whereas Sh. Jograj Singh has failed to prove the genuineness of the certificate of PUNJABI pass at matriculation level submitted as the proof of his eligibility for the post, within the time period provided in the final notice, office order No. 187/Admn./Recruitment/ Cert.Verif./51 dated 11.03.2016 was issued for terminating his services ab initio and intimating that recoverable amount in this regard shall be intimated separately.

Whereas Sh. Jograj Singh filed a CWP No. 4920 of 2016 in Hon'ble Punjab and Haryana High Court against his termination and the court has dismissed the case on 16.03.2016, as under:-

"Admittedly, there is an alternative remedy of appeal under the Punjab State Electricity Board Employees (Punishment and Appeal) Regulations, 1971 before the Board of Directors.

In such circumstances, counsel does not press the writ petition and prays for liberty to avail his alternative remedy before the appellate authority."

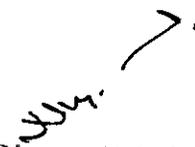
Whereas Sh. Jograj Singh has submitted an appeal as per Punjab and Haryana High Court order dated 16.03.2016, in which he reiterated the same facts as mentioned above and also requested for personal hearing. Below mentioned main contentions of his appeal do not have any merit as explained hereunder:-

Sr. No.	Contention of the appellant	Basis of rejection
1.	The appellant has mentioned that even the Punjab government vide notification dated 4.5.1994 has clearly stated that a person who has been appointed under the Ex-serviceman category can clear Punjabi within a period of 2 years from the date of	The appellant fraudulently declared in his online application form in September 2012 that he has qualified 10 th (including Punjabi) from DBSSE and <u>did not make any mention of his passing of matriculation examination from CBSE in the year 2000/2001 and only a</u>

	<p>his appointment and requested to grant the same relaxation by considering his Punjabi Pass certificate acquired by him in April 2014 from National Institution of Open Schooling in Secondary Education and that he had done matriculation examination from CBSE in the year 2000 also but had got compartment in the subject of Maths which was also cleared by the Appellant in the year 2001.</p>	<p>certificate of DBSSE regarding 10th including Punjabi passing was produced at the time of document checking, which has not been verified by the issuing authority i.e. Delhi Board of Senior Secondary Education because the DBSSE was fake as per Delhi Police press release.</p> <p>Moreover it was clearly mentioned in the Advertisement that the candidates are required to pass "Punjabi" atleast upto Matric/10th standard up to the last date of receipt of application which was 03.09.2012. Infact no candidate could have successfully submitted his online application unless he has passed Punjabi upto matric level <u>by that time</u> and has indicated "Yes" against "Punjabi Passed" in the online application form.</p> <p>It is also pertinent to mention here that the notification dated 4.5.1994 of Punjab Government has not been adopted by PSTCL. Accordingly, relaxation of clearing Punjabi within a period of 2 years from the date of his appointment has not been extended to any candidate against various recruitments for PSTCL and for PSPCL from time to time. <u>Moreover, had he not fraudulently declared "Yes" against "Punjabi Pass" in the online form in September 2012, his online application would not have been accepted like those of other such aspirants.</u></p>
2.	<p>Sh. Jograj Singh has stated in his appeal that without giving an opportunity of hearing, termination orders dated 11.3.2016 have been issued, wherein the services of the Appellant have been terminated by invoking clause 16 of the offer of appointment letter and stating that due to non-verification of the matriculation certificate of the Appellant, the Appellant does not fulfill the qualification of recruitment and being ineligible the services are being terminated.</p>	<p>However, his plea is not correct as the appellant was afforded many opportunities vide aforesaid letters/memos No. 11273/Rect./Cert.Veirf/51 dated 24.07.2015, 11655 /Rect./Cert.Verif/51 dated 4.08.2015, 1884/Rect./ Cert. Verif./51 dated 16.02.2016 etc. to prove the genuineness of the DBSSE certificate/board on the basis of which his online application was accepted. <u>Moreover, had the appellant not fraudulently declared "Yes" against "Punjabi Pass" in the online form in September 2012, his online application would not have been accepted like those of other such aspirants.</u></p>

<p>3. The appellant had requested that the termination letter dated 11.3.2016 may be withdrawn as he is at no fault as he had done the matriculation from Delhi Board of Senior Secondary Education in the year 2001 as a private candidate and the reason for termination order is relied upon a press release of Delhi Police dated 6.5.2014 (i.e. after the period of 13 years) wherein, the certain persons were arrested and from whose custody various fake certificates of various Universities / Colleges including that of Delhi Board of Senior Secondary Education were found. As per his letter addressed to CMD and received on 26.10.2015, this fact came to limelight after 13 years (upon a press release of Delhi Police dated 6.5.2014) of passing matriculation alongwith Punjabi as one of the subject.</p>	<p><u>Backdated fake matric certificate (including Punjabi) dated 18.08.2006 (SECOND COPIES) (as produced by him) might have been procured by him fraudulently in the year 2012 from fake DBSSE in order to be able to apply against the PSTCL advertisement dated 03.08.2012.</u> Though the appellant himself admits that the matter regarding fakeness of DBSSE came to limelight after press release of Delhi Police dated 6.5.2014, then it is not understood as to why he acquired Punjabi Pass certificate in April 2014 from National Institution of Open Schooling in Secondary Education.</p>
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Whereas the appellant has requested in his appeal to the BOD that he may be given an opportunity of personal hearing. Accordingly, the Board of Directors of PSTCL in its 37th meeting held on 23.06.2016 under the Chairmanship of worthy CMD, considered his appeal and heard him in person but did not find any merit in his oral submissions and also the submissions made by him in his appeal dated 21.03.2016 and the Board decided to uphold the termination order of Sh. Jograj Singh issued by office of HR department vide order No. 187/Admn./Recruitment/Cert. Verif/51 dated 11.03.2016.


Director/Admin,
PSTCL, Patiala.

Endst. No. 13234/13334/Rect./CBSE/CertVerif/51 Date: 24.10.2016

Copy of the above is forwarded to the following for information/necessary action please:-

1. Registrar (writs), Punjab and Haryana High Court with reference to CWP No. 4920 of 2016- Jograj Singh V/s Punjab State Transmission Corporation Ltd. and others.
2. Principal Secy., Punjab Govt., Power (Energy Branch), Mini Sectariat, Sec-9, Chandigarh.
3. Secy, Punjab State Regulatory Commission, SCO 220-21, Sec-34 A, Chandigarh.
4. Sr. PS to CMD, PSTCL/PSPCL, Patiala.
5. PS to Dir/Admn., PSTCL/PSPCL, Patiala.
6. Dy. Secy. to Dir/Tech., PSTCL, Patiala.

7. Sr. PS to Dir/FAC, PSTCL, Patiala.
8. All EIC/CE, PSTCL/PSPCL.
9. FA/CAO, Corporate Finance, PSTCL, Patiala.
10. CAO, PSTCL/PSPCL, Patiala.
11. CS/PSTCL/PSPCL, Patiala.
12. All Dy.CE/SE, PSTCL/PSPCL.
13. All Addl. SE/Sr.Xen/Xen./AEE/AE, PSTCL/PSPCL.
14. Addl. SE, Admn (Personal Sec), PSTCL, Patiala.
- (Regd.)** 15. Addl. SE, P&M Division, PSTCL, Wadala Granthia.
16. PS to CE/HIS&D, PSTCL, Patiala.
17. All Dy.Secy./Under Secy., PSTCL/PSPCL.
18. Dy.Secy./Legal, PSTCL, Patiala.
19. All Sr.AO/AO, PSTCL/PSPCL.
20. AO/Pay and Accounts, PSTCL/PSPCL.
21. Supdt. Bills, PSTCL/PSPCL, Patiala.
22. Supdt. Pay and Accounts, PSTCL/PSPCL, Patiala.
- (Regd.)** 23. Sh. Jograj Singh, S/o Sh. Bhupinder Singh, VPO Chahal Kalan, GS Nagar, Batala, District Gurdaspur. **(Regd.)**
24. **Addl. SE/IT, PSTCL, Patiala**, with a request to upload the same on the PSTCL website.


SE/HR&Admn.,
PSTCL, Patiala