

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2555/2001

New Delhi, this 26th day of September, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri M.P. Singh, Member(A)

Rajender Singh Rawat
28/5-1, Prakash Nagar (Idgah II)
Dehradun (Uttaranchal) .. Applicant

(By Shri Rajesh Kumar Sharma, Advocate)

versus

1. Director General/Quality Assurance
Deptt. of Defence Production
Ministry of Defence, New Delhi
2. Controller/Quality Assurance(Instruments)
Raipur, Dehradun (Uttaranchal)
3. PCDA (Pension)
Drapudi Ghat, Allahabad (UP) .. Respondents

ORDER(oral)

By Shri Justice Ashok Agarwal

Applicant had joined the Directorate General of Quality Assurance in 1959 as a Tracer. He joined on the basis of his belonging to Scheduled Caste community after producing the caste certificate issued by the District Magistrate, Dehradun in his favour on 12.11.58, certifying him to be belonging to "Rawat" community (SC). On a complaint filed in respect of the aforesaid claim made by the applicant as belonging to SC, an enquiry was conducted and by an order passed on 29.3.1979, he was removed from service after holding that the aforesaid claim of his belonging to SC was fake. Applicant impugned the aforesaid order of removal by instituting a Civil Writ Petition No.2784/1979 before the Allahabad High Court. The aforesaid order of removal was quashed and set aside by an order passed by the High Court on 14.3.84 on the ground that the same has been passed without observing the principals of natural justice. Applicant was thereafter reinstated in service. However,

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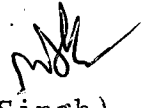
by an order passed on 10.8.87 (Annexure P-2, page 24), he was once again removed from service. Applicant carried the aforesaid order to the Director General, Quality Assurance (Respondent No.1 herein) by preferring an appeal but no decision thereon has so far been given. As no decision has been given, applicant had instituted OA No.1293/88 before the Principal Bench and by an order passed on 7.12.93, the aforesaid OA was dismissed as no advocate had appeared on behalf of the applicant as also the respondents. This Tribunal in the aforesaid order observed that "if the appeal has not been disposed of till date, it is open to the applicant to move the appellate authority for quick disposal of the appeal, and thereafter, if any grievance survived, he is at liberty to approach the Tribunal afresh, if so advised in accordance with law".

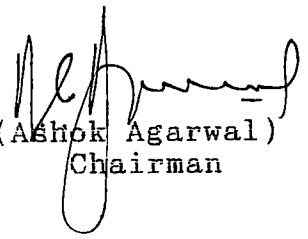
2. Applicant's elder brother Shri Kotwal Singh Rawat, who was similarly placed as the applicant and had also been appointed as a Tracer in the Technical Development Establishment on 24.5.1957 relying upon similar caste certificate and whose service had also been terminated on 23.3.79, had filed OA No.930/91 before the Allahabad Bench. That OA was allowed by an order passed on 22.8.2000 (Annexure P-3, page 27) whereby the order of his removal from service was quashed upholding his claim of belonging to SC community. The aforesaid applicant had been reinstated back in service. Applicant, in the circumstances, has issued a Notice on 29.9.2000 (Annexure P-4, page 34) to Respondents No.1 and 2 claiming the very same relief which has been extended to Shri Kotwal Singh Rawat. No reply has been issued by either of the respondents. Similarly appeal of the applicant which has

been pending since 19.10.87 has also not been decided and this is ^{the precise} ~~exactly~~ the grievance raised by the applicant in the present OA. (A)

3. Having regard to the aforesaid facts, we feel that ends of justice would be met by disposing of the present OA at this stage itself even without issuance of notice. We ~~therefore~~ direct Respondents No.1 and 2 to communicate their response to the aforesaid notice of 29.9.2000 (Annexure P-4) as also their decision on the appeal dated 19.10.87 expeditiously and in any event within a period of three months from the date of ^{service} ~~issue~~ of a copy of this order. Applicant will be entitled to serve a copy of the present OA on the respondents, which should be considered as an additional representation on the part of the applicant for claiming reinstatement back in service alongwith payment of salary etc. as claimed in the aforesaid legal notice at Annexure P-4.

4. Present OA is disposed of with the aforesaid directions, but without any order as to costs.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

/gtv/