

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 319/1991
T.A. No.

199

DATE OF DECISION 22.03.1991

<u>Shri Rana Pratap Chaurasia</u>	Petitioner
<u>Shri V. Shekhar</u>	Advocate for the Petitioner(s)
Versus	
<u>C.S.I.R.</u>	Respondent
<u>Shri A.K. Sikri</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

- 1.- Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The question for consideration in this application filed under Section 19 of the Administrative Tribunals Act, 1985, is whether the impugned order dated 11.1.1991 by which the respondents terminated the services of the applicant with effect from 10.2.1991 is legally sustainable.

2. The impugned order dated 11.1.1991 reads as follows:-

" M E M O R A N D U M

The services of Shri Ran Pratap Chaurasia, Helper, CSIR Headquarters, are hereby terminated under clause 3 of appointment letter No.3(93)/84-E.III dated 18.7.1985. He will stand relieved from the post of Helper on the expiry of a notice period of one month from the date of issue of this order.

Sd/-
(OMESH SAIGAL)
Joint Secretary(Admn)".

[Signature]

3. The applicant applied for the post of Helper in C.S.I.R. In the application form, he stated that he is a member of Scheduled Tribe and enclosed a copy of the caste certificate, according to which he belongs to Virbhumia caste. The copy of the caste certificate furnished by him reads as follows:-

" FORM OF CASTE CERTIFICATE
FOR SCHEDULED CASTE AND SCHEDULED TRIBES
C E R T I F I C A T E

This is to certify that Shri Rana Pratap Chaurasia son of Shri Gaya Prasad of village Mubarak Pur Post Office Kudal Bagh Thana Marhaurah in the District of Saran of the State Bihar Division Tirhut Union Territory belongs to the Virbhumia caste which is recognised as a Scheduled Caste/Scheduled Tribes under the Scheduled caste and Scheduled Tribe(list) Modification order 1956, the Constitution (Jammu & Kashmir) Scheduled Caste Order 1956. The Constitution (Andaman & Nicobar) Scheduled Caste Order 1959. The Constitution (Dadar Nagar Haveli) Scheduled Caste Order 1962. The Constitution (Dadara & Haveli) Scheduled Tribe Order 1960.

2. Shri Rana Pratap Chaurasia and his family ordinarily reside in village Mubarakpur of District Saran of the State Bihar Union Territory.

Signature

Designation

Dated:

With seal of the official".

4. It will be seen from the above that the certificate did not disclose the date or designation of the authority which issued the same. It also did not bear his signature.



5. The applicant was appointed as Helper against a reserved post for Scheduled Tribe at CSIR Headquarters on 26.7.1985 on ad hoc basis and with effect from 1.12.1985 on regular basis. When his case for confirmation came up for consideration, the respondents asked him to produce the original of the caste certificate, along with the proof of his date of birth from the Municipal Panchayat and educational qualification certificate. The applicant appended a note dated 21.7.1989 on the memo issued to him that the original certificates were lying in his native place and would be produced by him within three months. The applicant did not do so.

6. The respondents sent a letter to the District Magistrate, Chhapra, Bihar, on 7.8.1990 asking him to verify whether the caste certificate produced by the applicant is genuine or not. On 1.9.1990, he informed the respondents that no such certificate has been issued by his office in favour of the applicant and that the one produced by him did not appear to be genuine.

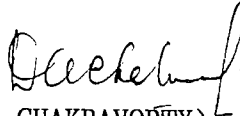
7. The contention of the applicant is that the impugned order dated 11.1.1991 is violative of Articles 14, 31, 37, 39(b) and 41 of the Constitution, that it is against the principles of natural justice and that it is punitive in nature. This has been denied by the respondents.

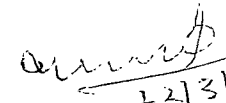
8. We have carefully gone through the records of the case and have considered the rival contentions. The learned counsel of the applicant relied upon numerous authorities*. The learned counsel of the respondents relied upon the decision of this Tribunal in

*. Authorities relied upon by the learned counsel for the applicant:

AIR 1958 SC 300; AIR 1986 SC 1571; ATR 1987(3) 695; 1987 (3) SLJ 194; 1985(1) SLJ 299; 1986(3) SLR 461; and AIR 1988 Pat.26

Sanjiv Kumar Aggarwal Vs. Union of India, ATR 1987(2) CAT 566.
We have duly considered these authorities relied upon by both sides.
In the instant case, the respondents gave ample opportunities to the applicant to produce the original of the [✓]caste certificate[✓] produced by him at the time of his initial appointment as Helper but he did not do so. The competent authority has ~~also~~ stated on verification that such a certificate has not been issued from their office. The applicant has also shifted his stand in that his original version was that he belonged to Virbhumia caste and his subsequent version is that he belongs to Birijia community. He has failed to produce the caste certificate issued by the competent authorities. In the facts and circumstances, we are of the view that the impugned order of termination dated 11.1.1991 cannot be faulted on legal or constitutional grounds. The application is, therefore, dismissed. The interim order passed on 5.2.1991 and continued thereafter is hereby vacated. There will be no order as to costs.

 22/8/89/
(D.K. CHAKRAVORTY)
MEMBER (A)

 22/8/91
(P.K. KARTHA)
VICE CHAIRMAN(J)