

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ORIGINAL APPLICATION NO. 560 OF 2001

ALLAHABAD THIS THE 06TH DAY OF AUGUST 2008.

HON'BLE MR. JUSTICE A.K. YOG, MEMBER (J)

HON'BLE MR. K.S. MENON, MEMBER (A)

Pradeep Singh, aged about 34 years, son of Sri Rameshwar Resident of 2, Shivpuri Colony Kukrail Picnic Spot, Fareedi Nagar, Lucknow.

.....Applicant

(By Advocate: Shri Rakesh Verma /Shri N.K. Singh)

Versus.

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, Government of India, New Delhi.
2. Additional Commissioner (Personnel and Vigilance), Central Excise Commissionerate, 19-C, Vidhan Sabha Marg, Lucknow.
3. Commissioner, Central Excise Commissionerate, 19-C, Vidhan Sabha Marg, Lucknow.

.....Respondents

(By Advocate: Shri Saumitra Singh)

ORDER

JUSTICE A.K. YOG, MEMBER (J)

Heard Shri Rakesh Verma, Advocate, counsel for the applicant and Shri Saumitra Singh, Senior Standing Counsel representing the Respondents. Original record has also been placed before us.

2. Applicant- Pradeep Singh has filed this present O.A. NO. 560/01 challenging the impugned order of removal from service dated 13.8.1999 (Annexure 1 to the O.A) passed by Additional Commissioner (P&V), Central Excise Commissionerate, Lucknow (acting as Disciplinary Authority). Being aggrieved the applicant filed an appeal (as provided under relevant Rules) and it is also dismissed vide order dated 23.3.2000 (Annexure 2 to the O.A). Against appellate order, revision was provided under relevant Rules but applicant preferred to file this O.A.

3. A perusal of the impugned order passed by Disciplinary Authority shows that applicant was served with chargesheet containing following charges:

By

- (i) Shri Pradeep Singh-applicant has been selected for the post of Inspector of Central Excise against reserved quota on the basis of fake and false Scheduled caste certificate produced and submitted by him (issued by S.D.M, Siliguri (West Bengal) on 13.11.1991. Shri Pradeep Singh-applicant joined in pursuance of letter of appointment dated 24.3.1993 and joined as Inspector of Customs and Central Excise and on the verification of caste certificate submitted by him, it was found that no such caste certificate issued by S.D.M Siliguri (W.B). Certificate was issued somewhere between November 1991. The applicant was appointed on the basis of caste certificate, which was found to be false and fake on the enquiry.
- (ii) He gave his incorrect permanent address in his application i.e. Kunti Shishu Udyan, Pradhan Nagar, Siliguri (W.B) whereas his correct permanent address happens to be Village and Post Office Karan Chhapra, Police Station Dokti, Tehsil Bairia, District Balia (U.P).
- (iii) It was also revealed that he was Chhatrit by caste and not "Scheduled Caste" as mentioned by him in his form".

4. Enquiry officer was appointed who submitted his report. Disciplinary Authority considered the report submitted by Inquiry officer. Disciplinary Authority held as follows:-

"For the reasons stated above, I uphold that;

- (i) Shri Pradip Singh has procured his appointment in the grade of Inspector of Central Excise on the basis of fake and false Scheduled Caste certificate.
- (ii) Shri Pradip Singh has managed/prepared/procured and kept in possession false and fake certificate which has not been issued by the Competent Authority and has submitted the same.

ORDER

In view of the above, I therefore order DISMISSAL of Shri Pradip Singh. Inspector (u/s), Central Excise Division, Sitapur.

Sd/-

(Rasheda Hussain)

Additional Commissioner (P&V)
Central Excise Commissionerate,
Lucknow".

5. The Disciplinary Authority in the impugned order observed:

"it has been found on inquiry that the caste certificate issued to Shri Pradip Singh on 13.11.1991 from Sub-Divisional Magistrate, Siliguri is fake, which has been confirmed by the Sub-Divisional officer, Siliguri (W.B). Shri Pradip Singh has contended that he has appeared in SCC examination 1991 as a general candidate to prove his point he has submitted the call letter dated 7.8.1992 mentioning him as a general candidate. However, he could not submit any other document to prove his candidature as general candidate. I also observe that the date of birth of Shri Pradip Singh is 07.05.1966. For computation of the upper age limit of 25 years as on 1.8.1991 the charged officer is three months over age. It indicates that the charged officer was not eligible as a general candidate due to over age".

6. The relevant extract of the appellate order reads:-

Am

"I have carefully gone through the records of the case and also submission of Shri Pradip Singh before me in writing and at the time of personal hearing on 29.10.99, Shri Singh has categorically admitted that he was over-age by 03 months at the time of submission of his application and that he was not a Scheduled Caste candidate. The circumventing of age limit as established on record. It is established that Scheduled Caste Certificate was attached to his application. He has not disputed this fact. His submission that he was not aware that he was over-age at the time of applying for his post is beyond any intelligent person's comprehension. He states that the fake SC certificate was placed by someone else in his dossier. This can not be accepted. Why would anyone else take the humble of doing something from which he has to gain nothing. In the fresh application which, for some reason he had to fill, Shri Pradip Singh again ticked, inadvertently the SC box. This adds up to too many strange coincidences, all happening to establish Shri Pradip Singh as a Scheduled Caste candidate.

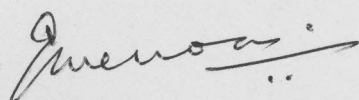
The fact which emerges is that Shri Pradip Singh knew that his application to the S.S.C. for the post of Inspector, Central Excise & Customs could never be considered valid because he did not qualify the age bar. This age limit he tried to cross by posing as a SC candidate for whom the age limit is higher. Then he went through the entire mill of getting and submitting a fake Scheduled Caste certificate and filling up the application form accordingly. The scheduled caste certificate could have been of a later date than the last fixed date for the submission of the applications. This does not establish Shri Pradip Singh's bonafides. The SC certificate could have been sent in later, openly or by using underhand means. It is obvious that all this was done with the intention of avoiding the age bar.

ORDER

I, find no substance and merit in the appeal filed by Shri Pradip Singh against the order of the Additional Commissioner (P&V), Central Excise Lucknow. The appeal is therefore, rejected".

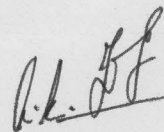
7. On behalf of applicant, it is not disputed before us that he belongs to general category; that the applicant being overage was not eligible and could not be selected against 'general category' posts. Be that as it may, we find no ground to interfere with the impugned order. There is no error or irregularity in the impugned order. The O.A. is devoid of merit and accordingly dismissed.

No order as to costs.



Member (A)

Manish/-



Member (J)