

A-2
2/

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 668 of 1987

Atar Singh Applicant
Versus
Union of India and Ors. Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C
Hon. Mr. K. Chayya, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant after passing the due examination entered the postal department in the year 1979 and was confirmed as such. In the year 1985 while he was working at Etawah, he faced with the Disciplinary proceedings under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The charge against him was that while applying for the post of Postal Assistant, the applicant had submitted caste certificate showing his caste 'Baheliya' to be a Scheduled Tribe while the said caste actually is a Scheduled Caste and thereby he got himself selected on the basis of a fake caste certificate as a Scheduled Tribe candidate and having not intimated the department the real fact. The departmental

Contd.../p2

A-2
3

(11)

: : 2 : :

proceedings proceeded.

2. The applicant submitted a detailed written statement denying the charges levelled against him and asserting that the certificate issued by the Tehsildar, Bharthana (Etawah) was final and ~~and~~ that the letters issued by the District Magistrate Etawah or the Harijan Welfare Officer, Etawah could not be relevant. The Enquiry Officer submitted his report exonerating the applicant holding the charges are not proved. The Disciplinary Authority disagreeing with the finding but without giving reasons for the same, issued a show cause notice to the applicant calling upon him to file a representation against the same and removed the applicant from service vide order dated 24.11.86.

3. The applicant filed a departmental appeal which was also dismissed on 25.1.87. In these circumstances, this application deserves to be allowed on the ground that ^{there was} disagreement between the Enquiry Officer and the Disciplinary Authority. The Disciplinary Authority should have been issued a show cause notice to the applicant giving an opportunity to him to make a representation against the same but the same was not done which violates the principles of natural justice as is held in the Case of "Narayan Mishra Vs. State of Orissa" (S.L.R Page 657.

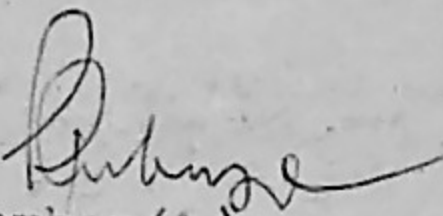
Contd.../p3


A2
4

(12)

: : 3 1 :

4. Accordingly, this application deserves to be allowed and the impugned order is quashed. However, it is open for the respondents to give a show cause notice to the applicant giving him an opportunity to file a representation and there after pass an order in accordance with law. No order as to the costs.


Member (A)


Vice Chairman

Dated: 24th Nov: 1992

(Uv)