

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1154 OF 2000

ALLAHABAD THIS THE 12th DAY OF SEPTEMBER, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V. C.
HON'BLE MR. D. R. TIWARI, MEMBER (A)

Madhusudhan Lal
son of Late Mangru,
resident of C/102/726, Char Phatak Road,
Gorakhpur.

.....Applicant

(By Advocate : Shri Lal Ji Sinha)

V E R S U S

1. Union of India through Director General,
Metrology, Mausam Bhavan, Lodhi Road,
New Delhi.
2. Dy. Director General, Metrology, Lodhi Road,
New Delhi.
3. Dr. L.D. Agarwal, Director & Enquiry
Officer, M.O. Palam, New Delhi.
4. Civil Judge, (Senior Division), Gorakhpur.

.....Respondents

(By Advocate : Shri R.C. Joshi)

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman

By this Original Application filed under section 19 of
Administrative Tribunals Act, 1985, the applicant has prayed
to quash the departmental proceeding initiated by respondent
No.2 namely Deputy Director General, Metrology, Lodhi Road,
New Delhi.




2. The facts of the case are that applicant was appointed to the post of Senior Observer on 07.10.1974 in the department of Meterology. The applicant has^e filed caste certificate dated 09.09.1974 issued by District Magistrate Gorakhpur showing that he belongs to the community of Beldar, which is a schedule caste. However, subsequently it was revealed that the certificate was never issued by District Magistrate and applicant secured employment on the basis of false certificate. On this allegation, a report was sought from the District Magistrate Gorakhpur, who submitted report dated 23.08.1999 (Annexure CA-2). In his report District Magistrate stated that the certificate of 1974, submitted by the applicant, was not correct and he belongs to Barai community, which is a backward and not schedule caste. Noticing this reply, applicant has been served with a memo of charge dated 01.06.2000 (Annexure-4) under Rule 14 of CCS(CCA) Rules 1965. The applicant has filed this O.A. for quashing the^{disciplin} disciplinary proceedings. Counsel for the applicant has submitted that after the report of District Magistrate, applicant has filed a suit registered as Civil Suit No.5 of 2000 which is pending in the Court of Civil Judge(Senior Division) Gorakhpur and the disciplinary proceedings against the applicant be stayed. A copy of the plaint has been filed as Annexure-9. From perusal of the plaint it is clear that in this case only State of U.P. and Sub Divisional Magistrate Gorakhpur are parties. Union of India


and the Department in which applicant is serving are not parties. The subject matter of the suit and subject matter of the enquiry are different. In the suit applicant has sought for a relief of declaration that he belongs to Beldar Community which is a schedule caste and is entitled for the benefit of the same. He has also prayed for a ^{mandatory} ~~mandatory~~ injunction to the defendants, ^{directing} ~~for waiting~~ them to treat him as Beldar Biradari and issue him necessary certificate.

3. In our opinion, the present proceedings are independent and under different provisions of law and are not affected by pendency of the suit. Counsel for the applicant submitted that suit has been decreed on 16.07.2002.

4. Counsel for the respondents on the other hand submitted that the suit has been decreed ex-parte and for setting aside the same application is pending. Be that as it may, as the present respondents are not party in the suit they are not affected by the result. For the reasons, applicant is not entitled for any relief. The O.A. is dismissed having no merit.

5. There will be no order as to costs.


Member (A)


Vice-Chairman

shukla/-