

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.**

ORIGINAL APPLICATION NO. 119 OF 2000

ALLAHABAD THIS THE 06<sup>TH</sup> DAY OF AUGUST 2008.

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

Ganesh Ram son of late Shri Chhatenki Ram, Resident of Village  
Sohari, Post: Kandharapur, District Azamgarh.

.....Applicant

(By Advocate: Shri Avadhesh Singh/Smt. S. Rai)

Versus.

1. Union of India through Secretary, Ministry of Posts and  
Tele-Communications, New Delhi.
2. Post Master General, Gorakhpur (U.P)
3. Senior Superintendent of Post Offices, District Azamgarh.
4. R.P Saroj, Inspector East, Azamgarh.
5. Sandeep Kumar son of Ranjan, E.D.M.P., Pakholi, District  
Azamgarh.

.....Respondents

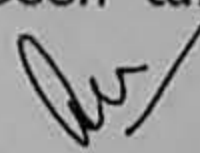
(By Advocate: Shri Saumitra Singh/Shri O.N Mishra)

**ORDER**

JUSTICE A.K. YOG, MEMBER (J)

Heard Mr. S. Rai, Advocate and Shri Avadesh Singh,  
Advocate, counsel for the applicant and Shri Saumitra Singh,  
Advocate, counsel for the respondents.

2. The dispute raised by means of O.A. by applicant-Ganesh  
Ram is that he was one of the candidate, who had applied for the  
post of E.D.M.P. at Patkholi reserved for Scheduled Caste; he  
possess requisite qualification but he has not been selected. On the  
other hand, Sandeep Kumar-respondent NO. 5 has been selected  
and appointed on the basis of his forged documents. According to  
the facts pleaded in the O.A., respondent NO. 1 to 4 were informed  
of the fact that Sandeep Kumar had filed forged/fabricated  
certificate but no action has been taken; the respondents have



failed to take notice of barratries proceeding/action in the matter, as the consequence of which, he has been deprived of the appointment. The applicant claims to be belonged to the caste of 'Gond'. Counter and supplementary counter have been filed by respondents. The factual allegation made by the applicant against respondent NO. 5 have in denial. It appears, in view of conflicting controversy regarding authenticity of caste certificates relied on by the applicant as well as respondent NO. 5, the Tribunal passed the order dated 8.10.2007. The relevant order reads:

*"Dated; 08.10.2007*

*Hon'ble Mr. M. Kanthaiah, Member (J)*

*Hon'ble Mr. K.S Menon, Member (A)*

*Appl:- Smt. S. Rai.*

*Resp: Shri S. Singh for official respondents, None for Private respondents.*

*Private respondent appeared through his Advocate but inspite of granting time, he has not filed CA till date. Official respondents have file CA alongwith the Caste certificate of respondent NO. 5 issued on behalf of District Magistrate, Azamgarh covered under (Annexure CA-1) dated 16.0.1996 stating that the applicant belongs to Gond, which is SC. But the applicant counsel filed RA alongwith Caste certificate of respondent NO. 5 issued by the Tehsildar dated 7.2.2000 stating that the applicant Kahar, which is belong to OBC but not SC.*

*In view of such rival contentions, in respect of caste of respondent NO.5, only respondent NO. 5 is the proper person to answer such controversy but he is not filing any counter and also not filing his caste certificate issued by the Competent Authority to show that he belongs to SC category.*

*Under the above circumstances, respondent NO.5 is directed to file his counter affidavit alongwith caste certificate on or before 19.11.2007.*

*In the meantime, both these certificates i.e. Annexure CR-1 dated 16.01.1996 and Annexure RA-1 dated 7.2.2000 are referred to the District Magistrate, Azamgarh for verification of these certificates from the concerned officer and also sent his report in respect of Caste certificate of Shri Sandeep Kumar, S/o Shri Ranjan Kumar, resident of Hafizpur, Tehsil Sadar, District Azamgarh, as to whether he belongs to SC or OBC before the next date i.e. 19.11.2007. Office is directed to send these documents for verification and report to District Magistrate, Azamgarh.*

*Copy of this order be given to the respondents' counsel.*

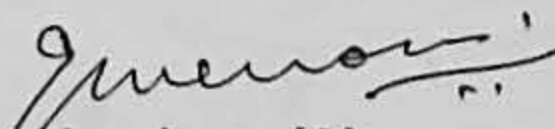
*Sd/-  
(K.S Menon)  
Member (A)*

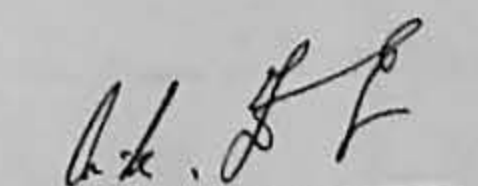
*Sd/-  
(M. Kanthaiah)  
Member (J)"*

3. In view of the above, Tehsildar, Sadar, Azamgarh submitted his report and on that basis A.D.M (Admn), Azamgarh vide letter

dated 23.11.2007 sent to the Registrar informed that caste certificate issued in favour of Sandeep Kumar is ineffective. It is interestingly note that Tehsildar, Sadar dated 19.11.2007 addressed to A.D.M (Admin), Azamgarh clearly recites as of the fact that Ganesh himself got a forged and fabricated certificates. In view of the facts brought on record, it is apparent there is a serious dispute regarding genuineness and authenticity of the caste certificate relied on by the applicant and Sandeep Kumar. This factual controversy cannot be decided unless thorough enquiry is being conducted taking into account the relevant Government order declaring caste in question as Scheduled caste at different point of time. This exercise can be done by directing the Post Master General to get an enquiry initiated and pass appropriate order in the matter of appointment of respondent NO. 5 (challenge by applicant-Ganesh in this O.A.). The controversy sought to be decided through O.A. depending on the adjudication of the fact. It is not possible on the basis of fact or facts otherwise alleged. Consequently O.A. is rejected subject to the direction given above. It is open for the applicant and respondent NO. 5 to file certified copy of the order alongwith detailed representation before respondent NO. 2 for initiating proper action in pursuance of direction and appointment of respondent NO. 5-Sandeep Kumar shall be subject to the any final order passed as per decision taken by the respondent NO.2 on the basis of enquiry held in pursuance of the direction given us. The Authority/respondent no.2 will hold decision shall take into account of the report of Tehsildar, Sadar, Azamgarh and A.D.M (Admin), Azamgarh, which are par of the record.

4. The O.A. is finally disposed of subject to the above direction.  
No order as to costs.

  
Member- (A)

  
Member- (J)

Manish/-