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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No. 510 of 1992.

Date of decision : August 30, 1993.

Gobinda Chandra Patra ...

Applicant.

Versus

Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? NO
2. Whether it be circulated to all the Benches of the NO Central Administrative Tribunals or not ?

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(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

30 Aug 93

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30.8.93

(K. P. ACHARYA)
VICE-CHAIRMAN

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.**

Original Application No.510 of 1992

Date of decision: August 30, 1993.

Gobinda Chandra Patra ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s. Deepak Misra,
R.N. Naik, A.Deo,
B.S. Tripathy,
P.Panda, Advocates.

For the respondents ... Mr. U. B. Mohapatra,
Addl. Standing Counsel (Central)

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGMENT

K. P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the order of dismissal passed vide Annexure-2 dismissing the applicant, Shri Gobinda Chandra Patra from service with immediate effect.

2. Shortly stated, the case of the applicant is that while the applicant was serving as a Telegraph Master incharge at Rourkela he was served with a charge-sheet under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 on an allegation that he has submitted a false caste certificate on the basis of which he got an appointment against the reserved quota of vacancies for the Scheduled Castes. The charge is as

follows:

" That the said Shri G.C.Patra while applying for a post in the department submitted a caste certificate issued by the District Magistrate, Cuttack dt.14.6.1955 stating that he belongs to "Mala" community which is recognised as Scheduled caste and got an appointment against the reserved quota. It is revealed in the subsequent enquiry made by the Tahasildar, Kanika that the said Shri G.C.Patra, son of Shri Balaram Patra of village/P.O.Baruna belongs to "Mala" community which is not recognised as scheduled caste. Thus by the above act the said Shri Patra committed a great misconduct acted in a manner unbecoming of a Government servant and thereby contravenining the provisions of Rule 3(i)(iii) of CCS (Conduct Rules), 1964. "

Though the applicant denied the charge levelled against him, a full-fledged enquiry was conducted and the enquiry officer found that the applicant, Shri Gobinda Chandra Patra belonged to 'Mallah' community which is not within the category of Scheduled Castes and as such, the charge has been proved. The disciplinary authority that is the Director, Telecommunication, Sambalpur concurred with the findings of the Enquiring Officer and ordered dismissal of the applicant from service with immediate effect which is under challenge.

3. In their counter, the respondents maintained that the case involves overwhelming evidence against the applicant and principles of natural justice having been strictly complied, the case is devoid of merit and hence the punishment should not be unsettled- rather it should be sustained.

4. We have heard Mr. B.S.Tripathy, learned counsel for the applicant and Mr. U.B.Mohapatra, learned Additional Standing Counsel(Central). Law is well settled which was rightly and fairly not disputed at the Bar that in cases

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of punishment awarded by the disciplinary authority the Courts can interfere only when it is held that it is a case of no evidence. In the present case, we have gone through the enquiry report wherein the Enquiring officer has analysed the evidence in great detail. Mr. Tripathy, learned counsel for the applicant invited our attention to the report given by different authorities certifying that the applicant belongs to 'Mala' community which comes within the reserved category. Such certificates have also been granted in favour of the relations of the applicant. Therefore, Mr. Tripathy submitted that the report of the Enquiring Officer confirmed by the disciplinary authority that the applicant does not belong to 'Mala' community should be rejected. While considering this argument of the learned counsel for the applicant the contents of Annexure-R-3 cannot go unnoticed.

The Collector & District Magistrate, Cuttack vide his D.O. letter No. 574 dated 24.2.1983 addressed to the General Manager, Telecommunications, Orissa, Bhubaneswar stated into that the matter in question was inquired by the Tahasildar, Kanika and it is ascertained that Shri Govinda Chandra Patra, son of Balaram Patra of village ~~Baruna~~ Baruna, (meaning the present applicant) belongs to 'Mallah' community. The Additional District Magistrate, Cuttack vide his letter No. 3740 dated 10.10.1992 apprising the same to the Sub-Collector, Kendrapara stated that the present applicant, Shri Govinda Ch. Patra son of late Balaram Patra belonged to 'Mallah' community and therefore, the caste certificate granted in his favour stating that he belonged to 'Mala' community should

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be cancelled especially because such certificate was granted on misrepresentation and suppression of real facts. These two unimpeachable documents ~~really~~ ⁱⁿ point at the fact that the applicant had successfully managed to get certain certificates to the effect that he belonged to 'Mala' community on misrepresentation of facts and suppression of real facts. Therefore, we are of opinion that the enquiry Officer rightly came to the conclusion that the applicant belongs to 'Mallah' community and had secured the job by filing false certificate that he belongs to 'Mala' community and we further find that rightly the applicant was dismissed from service. We find no merit in this application which stands dismissed. No costs.

..... MEMBER (ADMN.)

30.8.93

VICE-CHAIRMAN

P.M.A.N.

Central Admn. Tribunal,
Cuttack Bench, Cuttack.
August 30, 1993/Sarangi.

