

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-38.

Dated: 17 FEB 1994

APPLICATION NO(s) 827/93

APPLICANTS: C.J. Muralidhar RESPONDENTS: The GOI, by its Secretary  
Labour Dept., New Delhi-11 &  
Others.

TO.

1. Sri. M. Narayana Swamy, Advocate,  
No. 844 (up-stairs), 17th 'G' Main,  
V Block, Rajaji-nagar, Bangalore-560 010.
2. Sri M. Vasudeva Rao,  
Sta Counsel for Central Govt.,  
High Court Bldgs., Bangalore-1.
3. The Govt. of India,  
by its Secretary to Govt.,  
Labour Dept., North Block, New Delhi-11.
4. The Regional Provident Fund Commissioner,  
Karnataka, "Bhavishya Nidhi Bhavan"  
No. 13, Rajaram Mohan Roy Road,  
PB No. 2485, Bangalore-25.

SUBJECT:- Forwarding of copies of the Orders passed by  
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the  
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal  
in the above mentioned application(s) on 4-2-94.

Issued  
17/2/94

for S. Shankar  
DEPUTY REGISTRAR 17/2  
JUDICIAL BRANCHES.

o/c

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 827 OF 1993

FRIDAY THIS THE 4TH DAY OF FEBRUARY, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.  
Mr. T.V. Ramanan, ... Member(A)

C.J. Muralidhar,  
S/o Chikka Jayaram,  
Aged about 22 years,  
Lower Division Clerk (LDC),  
Office of the Regional Provident  
Fund Commissioner, Karnataka,  
"Bhavishya Nidhi Bhavan",  
No.13, Rajaram Mohan Roy Road,  
Bangalore-560 025.

.. Applicant.

(By Advocate Shri M. Narayanaswamy)

v.

1. The Government of India,  
represented by its Secretary  
to Government, Labour Department,  
North Block, New Delhi-11.
2. The Regional Provident Fund Commissioner,  
Karnataka, "Bhavishya Nidhi Bhavan",  
No.13, Rajaram Mohan Roy Road,  
P.B.No.2485, Bangalore-25.
3. The Additional Tahsildar,  
Bangalore North Taluk, Bangalore.

.. Respondents.

(By Standing Counsel Shri M. Vasudeva Rao)

O R D E R

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

Heard. Admit.

We propose to dispose off this application finally having heard both sides and have also had the advantage of considering the reply filed on behalf of respondent-3/the Tahsildar who actually occupy the centre stage in this proceeding which arises from a memorandum dated 22-9-1993 (Annexure-S). That annexure which is at the core of the controversy in this application may useful to be extracted. It reads -



OFFICE OF THE REGIONAL PROVIDENT FUND  
COMMISSIONER: KARNATAKA

"Bnavishyanigani Bhavan", No.13, Raja Rammohanroy Road,  
P.B.No.2584, Bangalore-560 025.

No.KN/PF/ADM-I/520/93

Date:22-9-1993

MEMORANDUM

In pursuance of para 8(3) of the E.P.F.(Staff and Conditions of Service) Regulation 1962, I, Sri S.M.Basappa, Regional Provident Fund Commissioner, Karnataka Region hereby give notice to Sri C.J.Murli-dhar, Lower Division Clerk that his service shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on or, as the same may be tendered to him.

Sd/-(S.M.Basappa)  
Regional Provident Fund  
Commissioner, Karnataka."

A perusal of the above makes it clear that the department represented by the Regional Provident Fund Commissioner/respondent-2 felt constrained to terminate the services of the applicant and we do not know why he had chosen to take that step. But, then we are told at the bar, the Regional Provident Fund Commissioner was compelled to off-load the applicant from his establishment alleging that he had produced a false caste certificate and that he had, on the basis of such a fabricated testimonial, declaring him to be a member of scheduled tribe community, secured for himself the coveted job of a lower division clerk in the employment of the Central Government. The conclusion is that the applicant had committed fraud on the authority and the same purportedly reached on the basis of a statement or a report made by a Tahsildar asserting that the caste certificate, copy of which is produced at Annexure-C dated 22-4-1991

had not been issued by his office at all. Be that as it may, it would appear a writ petition in that context had been filed before the High Court of Karnataka and was disposed off by the Hon'ble Mr. Kedambady Jagannatha Shetty, J. (as his lordship then was) with a direction to the very Tahsildar to grant a fresh certificate on satisfying that the applicant was in fact a member of a Scheduled Tribe. In compliance of that direction of the High Court, the Tahsildar has now issued Annexure-K dated 16-3-1993 certifying that the applicant belongs to Kadu Kuruba sect, which is recognised as a scheduled tribe under the Constitution etc. In that situation it becomes clear that if in 1993 the applicant could have been certified as a member of a Scheduled Tribe it must necessarily follow that he did belong to such a Scheduled Tribe right from the date of his birth and certainly during 1991 when the controversial certificate at Annexure-C had been supposedly issued.

Be that as it may, now that it is undisputedly proved the applicant did belong to the scheduled tribe category, his availment of the opportunity of securing a job with the 2nd respondent/Regional Provident Fund Commissioner, Karnataka, on the basis of such caste certificate was appropriate and therefore the termination of his appointment under Annexure-S being clearly untenable cannot be upheld. Hence it is we allow this application, quash Annexure-S and direct that there shall be no further proceedings in the matter. No costs.



TRUE COPY

Sd-

MEMBER(A)

Sd-

VICE-CHAIRMAN

Sd. Shaukat  
SENIOR OFFICER 17/2  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: 16-11-1994

APPLICATION NO: 827/93

APPLICANTS:- C. S. Muralidhar  
V/S.

RESPONDENTS:- Secy., M/Labour & 20m.

To:

Sh M.H. Motigi,  
State Govt. Advocate,  
Bangalore.

Subject:- Forwarding of copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/  
~~STAY ORDER/INTERIM ORDER~~ passed by this Tribunal in the above  
mentioned application(s) on 4.2.94

Issued on

16/11/94

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

Ne.

In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore

B-687

04 NO. 827/93

ORDER SHEET

Review

Application No. .... 26 ..... of 1994

Applicant

Secy, D/o Labour, GOI  
New Delhi & ans

Advocate for Applicant

M. V. RAO

Respondent

C. J. MURALIDHAR  
Secy, RPF. Commr, B'lore.

Advocate for Respondent

Date

Office Notes

Orders of Tribunal

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SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

