

(79)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.
* * *

O.A. 129/91

Dt. of Decision : 28.4.1994.

Sri A. Bhaskara Rao

.. Applicant

Vs

1. The Commissioner of Income-tax,
Andhra Pradesh-I,
Aayakar Bhawan,
Hyderabad.
2. The Deputy Commissioner of
Income-tax, Range-1,
6th Floor, Aayakar Bhawan,
Basheerbagh, Hyderabad.
3. The Commissioner of Income-tax,
Aayakar Bhawan,
Daba Gardens,
Visakhapatnam.
4. The District Collector,
East Godavari,
Kakinada.

.. Respondents.

Counsel for the Applicant : Mr. G.V.R.S. Vara Prasad

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

..2

ISHP

O.A.No.129/91.

Date: 28.11.94.

J U D G M E N T

[as per Hon'ble Sri R.Rangarajan, Member(Administrative)]

Heard Sri Vara Prasad, learned counsel for the applicant and Sri N.V.Ramana, learned Standing Counsel for respondents.

2. This OA has been filed for quashing the Charge Memo No.CON.VIG/DP/R-I/90-91 dated 24.12.1990 whereby a disciplinary proceeding has been started for submission of a false community certificate by the applicant as Konda Kapu, a Scheduled Tribe.

3. The applicant herein joined the service in Income-Tax Department as L.D.C. on 30.7.1966 and is the younger brother of Shri A.Parthasarathy, applicant in O.A.No.493/91. The applicant herein was issued with a show-cause notice bearing No.CON.No.46/1970 dated 19.11.1982 before deletion of his name from the reserved community status list and including his name in the general community one. Similar notice was also issued to his brother Shri A.Parthasarathy, applicant in O.A.No.493/91. The names of Shri A.Parthasarathy, applicant in O.A.No.493/91 and brother of the applicant herein, and Shri A.Bhaskar Rao, the applicant herein were deleted from the reserved community list and shown as general candidates by the competent authority by the Memorandum No.CON.No.46/70 dt. 26.8.1983. The applicant was issued with a charge-sheet on the advice of the Vigilance Cell of the Income-Tax Department for submission of False community certificate by memorandum No.CON.VIG/DP/R-1p90-91 dt. 24.12.1990. The said charge is as follows:-

"That the said Sri A.Bhaskara Rao, UDC, joined the department against quota reserved for S.T. and

...3/-

To

1. The Commissioner of Income-tax, A.P-I,
Aayakar Bhavan, Hyderabad.
2. The Deputy Commissioner of Income-tax, Range-I
6th Floor, Aayakar Bhavan, Basheerbagh, Hyderabad.
3. The Commissioner of Incometax, Aayakar Bhavan,
Daba Gardens, Visakhapatnam.
4. The District Collector, East Godavari, Kakinada.
5. One copy to Mr.G.V.R.S.Vara Prasad, Advocate, CAT.Hyd.
6. One copy to N.V.Ramana, Addl.CGSC. CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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continued to claim his caste as a Scheduled Tribe, which was late to be false.

By his above act, Sri A. Bhaskara failed to maintain absolute integrity and exhibited conduct unbecoming of Government servant thereby violating Rule 3(1)(i) and Rule 3(1)(iii) of CCS (Conduct) Rules, 1964".

4. Similar charge on identical facts was also issued to the applicant in O.A.No.493/91. The respondents in this O.A. are officials of the Income-Tax Department, A.P. The respondents in O.A.No.493/91 are also officials of Income-Tax Department of A.P. An interim order dt. 11.2.91 was also issued in this O.A. restraining the respondents in passing final orders on this charge memo during the pendency of the present O.A., though the enquiry can be continued.
5. The reply affidavit filed by respondents 1 to 3 and the rejoinder filed by the applicant in this O.A. are identical to that filed in O.A.No.493/91.
6. As the facts and contentions of both the cases are similar, we see no reason to differ from the order passed in O.A.No.493/91 for reasons discussed in O.A.No.493/91.
7. Accordingly, the impugned charge memo dt. 24.12.1990 is quashed. O.A. is ordered accordingly. No costs. Registry to communicate this order to Respondent No.2.

(R.Rangarajan)
Member (Admn.)

(V.Neeladri Rao)
Vice Chairman

Dated 28th April, 1994.

Grh.

Deputy Registrar

TYPED BY

COMPILED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 28-6-1994

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No. 129/91

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

Central Administrative Tribunal

DESPATCH

20 MAY 1994

HYDERABAD BENCH: