

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,Original Applications No 903 of 2004

Gwalior, , this the 5th day of April, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Vinod Shanker Raikwar, aged 42 years
S/o Shri Damdilal Raikwar, Ex. T-1,
Technical Assistant(Economics) O/o
Director National Reserarch Centre for
Weed Science Resident of H.No.274,
Karamchand Chowk, Jabalpur.

Applicant

(By Advocate – Shri S.K.Mishra)

V E R S U S

1. Union of India,
Through – Secretary,
Indian Council of Agricultural Research
Krishi Bhawan, New Delhi.
2. The Director General
Indian Council of Agricultural Research
Krishi Bhawan, New Delhi.
3. The Director,
National Research Centre for Weed
Science, Maharajpur, Adhartal,
Jabalpur(M.P.)

Respondents

(By Advocate – Shri Anand Singh on behalf Shri B.da.Silva)

O R D E RBy Madan Mohan, Judicial Member –

By filing this, Original Application the applicant has sought the following main reliefs :-

1. quash the impugned order dated 2.4.2004, Annexure A-1.
2. direct the respondents to reinstate the applicant in serviced any pay him full pay and allowance for the period of termination.



2. The brief facts of the case are that the applicant was appointed as T-1 Technical Assistant(Economics) under the respondent No.3 against the reserve post of Schedule Tribe. The certificate submitted by the applicant was accepted by the office of the respondents and he was allowed to resume his duties w.e.f.26.5.95 and continued in service till 2.4.2004. In compliance with the order dated 29.11.2002, the applicant appeared before the Sub-Divisional Magistrate, Kotwali and showed all relevant documents available with him in respect of his caste. Thereafter he was served with a memorandum dated 10.7.2003(Annexure A-7) wherein it was alleged that the applicant had obtained the appointment to the reserve post for ST candidates by producing fake and forged caste certificate, which was found not to be issued by the collector's office as intimated vide letter dated 28.9.2001. The applicant has submitted his representation dated 18.8.2003(Annexure -A-8) and also requested to supply a copy of the report received from SDM Omti Division alleging the caste certificate of the applicant to be fake and forged. But no such documents were supplied to him. The caste certificate was issued by the then Nayab Tahsildar and Executive Magistrate Shrimati Prarthana Shukla after proper verification. The respondents vide letter dated 2.4.2004(Annexure A-1) cancelled the appointment of the applicant as per terms and condition of appointment No.16, declaring him as not a fit person to be retained in service. The cancellation of appointment of applicant after 9 years of service without any charge sheet as per rule and without holding any inquiry and affording reasonable opportunity to the applicant to defend the case and without proving the commission of an act mentioned in term and condition No.16, is patently illegal and unlawful and violative of principles of natural justice. Being aggrieved by the impugned order of termination issued by respondent No.3, the applicant preferred an appeal dated 8.4.2004(Annexure A-9) to the appellate authority and thereafter a reminder dated 31.5.2004(Annexure-A-10)has also been sent by him.



But, till now no decision has been taken by the appellate authority. Hence, this OA.

4. Heard the learned counsel for the parties.

5. The learned counsel for the applicant has stated that the applicant submitted his caste certificate issued by the competent authority and the same is genuine and he has worked in the respondents department for about 9 years. However, the respondents have terminated the service of the applicant without conducting any enquiry against him and no reasonable opportunity of hearing was afforded to him to defend himself and also without adopting legal the procedure. Hence, the action of the action of the respondents is patently illegal and unlawful and violation of the principles of natural justice. The learned counsel for the applicant has further stated that the applicant preferred the appeal to the appellate authority on 8.4.2004 and also submitted the reminder on 31.5.2004 but the appellate authority have not been taken any decision on the aforesaid appeal till date.

4. In reply the learned counsel for the respondents has submitted that a complaint was received conveying that the applicant do not belong to the Scheduled Tribe community and had furnished a false certificate. It was alleged in the complaint that the father of the applicant Shri Damdilal Raikwar was a Government employee and the brother of the applicant, Shri Ravi Shankar Raikwar, is also an employee in the Grey Iron Foundry, Jabalpur. Both the aforesaid persons were rendering their service in the Government of India as General category employees. Further it was alleged that the Raikwar caste is registered in State of Madhya Pradesh as an OBC and not a Schedule Tribe. The respondents forwarded the complaint to the Naib Tehsildar Cum Executive Magistrate, District Jabalpur for an enquiry. Thereafter, the office of the Collector, Jabalpur vide communication dated 28.9.2001 conveyed that the certificate furnished by the



