

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.572/03

Jabalpur, this the 26th day of October 2004.

CORAM

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

Komal Prasad Koshta
S/o Late Shyam Lal Koshta
Admn.Assistant 'A' removed from
service, O/o D.R.D.E., Gwalior
R/o 645, South Milloniganj
Near Jamunia Kuwa, Jabalpur.

Applicant

(By advocate None)

Versus

1. Union of India through
its Secretary
Defence, Sena Bhawan
New Delhi.
2. Director General
Research & Development
'B' wing, Sena Bhawan
New Delhi.
3. Director, Defence Research &
Development Organisation
Office - Finance Research &
Development Establishment,
Jhansi Road, Gwalior.

Respondents

(By advocate Shri P.Shankaran)

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following
reliefs:

- (i) To quash the order dated 27.1.03 contained in
Annexure A13 passed by respondent No.3 as also
the order dated 23.7.03 passed by the appellate
authority as contained in Annexure A15.
 - (ii) To direct the respondents to take the applicant
back in service with all consequential benefits.
2. The brief facts of the case are that the applicant was
issued a certificate dated 12.3.92 by the Tahsilder, Jabalpur,
certifying that he is a member of the scheduled Tribe.

The applicant was selected on the post of LDC and order of
appointment was issued on 9.1.97. A charge sheet was issued
on 6.8.02 against the applicant on the ground that the
applicant had secured the appointment on the basis of



a forged caste certificate. Listed documents were not made available to the applicant inspite of repeated requests and the enquiry was conducted in haste. The applicant was not granted any opportunity to produce his defence witnesses . The report of the Deputy Collector dated 6.7.02 was not proved by calling such witnesses before the enquiry officer. The disciplinary authority vide order dated 27.1.2003 imposed the penalty of removal from service of the applicant while the grounds raised by the applicant in reply to the enquiry report were not considered. His defence was totally ignored. The applicant preferred an appeal against the aforesaid order, which was also rejected vide order dated 23.7.03 (Annexure A15). Hence this OA is filed.

3. None is present for the applicant. Hence provision of Rule 15 of the CAT (Procedure) Rules, 1987 is invoked. Heard learned counsel for the respondents.

4. It is argued on behalf of the respondents that the applicant was selected for appointment as LDC against a post reserved for ST for which he submitted a caste certificate issued by Tahsildar, Jabalpur. Subsequent to his appointment, his caste status was verified from the District Collector, Jabalpur and it was found that the applicant did not belong to ST community but only OBC. The District Collector also intimated that the certificate produced by the applicant had not been issued by their office. The applicant was also directed vide letter dated 23.11.2000 to get his caste certificate certified from the MP State ST Commission, Bhopal but he failed to do so. A charge sheet was issued against the applicant for producing false caste certificate. The inquiry was conducted in accordance with rules and following the principles of natural justice.



Adequate opportunity of hearing was given to the applicant and according to the enquiry report, the charge of producing false certificate was proved. The report of the enquiry officer was given to the applicant to defend himself. The applicant submitted a representation and after considering the representation, the impugned order of penalty was issued on 27.1.2003 against which he preferred an appeal. This appeal was also considered by the appellate authority with due application of mind and found nothing new in it to disagree and the appellate authority rejected the appeal and upheld the order of disciplinary authority by a speaking order on 29.7.2003. Hence the departmental proceedings conducted by the respondents and the impugned order passed by them are perfectly legal and justified. No irregularity or illegality is committed by the respondents.

4. After hearing the learned counsel for respondents and careful perusal of the records, we find that the applicant had submitted his caste certificate certifying him to be a member of ST community. The certificate was got verified by the respondents and vide letter dated 6th July 2002 (Annexure R2) it is clearly mentioned that the caste certificate of the applicant is not issued from the office of the Collector, Dist. Jabalpur, hence it is forged. Thereafter, the respondents had informed several times by sending letters dated 23.11.2000, 19.12.2000, 12.2.2001 and 12.3.01 (Annexures R3 to R6 respectively), but the applicant did not take notice of these reminders and did not file any other valid caste certificate. The applicant was given due opportunity of hearing as he has filed representation against the report of the enquiry officer and also he preferred an appeal against



the order passed by the disciplinary authority on 27.1.2003 (Annexure A13). Hence it cannot be said that no opportunity was given to him. This is not a case of no evidence and the Tribunal cannot re-appraise the evidence. We have perused the impugned order dated 27.1.2003 (Annexure A13) passed by the disciplinary authority and the order passed by the appellate authority dated 4th July 2003 which was sent to the applicant by letter dated 23.7.03 and these orders are perfectly speaking and reasoned orders.

5. After considering all the facts and circumstances of the case, we are of the considered opinion that the OA has no merit. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

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पूछांकन सं ओ/न्या.....जबलपुर, दि.....

पलिलिपि का दो दितल:-

- (1) सलिव, उच्च न्यायालय का एलेक्ललेशन, जबलपुर
- (2) आलेखन पी/पीलली/कु.....के काउंसल R.R. Verma
- (3) प्रलली पी/पीलली/कु.....के काउंसल P. Shukla
- (4) वलललल, कोललल, जबलपुर न्यायापीठ
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजलललर

28.10.04

Issued
On 28.10.04