

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH

Original Application No. 818 of 2003

Jabalpur, this the 17th day of December, 2004

CORAM

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

Rajat Kumar Biswas
S/o Late B.Biswas
R/o E-42, Rohinipuram
Dagania
Raipur.

Applicant

(By advocate Shri Pankaj Shrivastava on behalf of
Shri Sameer Seth)

Versus

1. Union of India through
Secretary
India Meteorological Department
New Delhi.
2. Director General
Indian Meteorological Department
Mausam Bhawan
Lodhi Road
New Delhi.
3. Deputy Director General
(Administration and Stores)
Indian Meteorological Department
Mausam Bhawan, Lodhi Road
New Delhi.
4. Director
Regional Meteorological Centre
Raipur.

Respondents.

(By advocate Shri S.P.Singh)



ORDER

By Madan Mohan, Judicial Member

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

- (i) Set aside the order dated 2.4.03 passed by respondent No.3 and order dated 1.9.03 passed by respondent No.2.
- (ii) To quash the enquiry
- (iii) Direct the respondents to permit the applicant to resume his duties and also to pay the salary with consequential benefits.

2. The brief facts of the case are that the applicant who was initially appointed as a Senior Observer in the Meteorological Department was issued a charge sheet dated 29.4.99, stating that the applicant had submitted a forged caste certificate claiming himself belonging to a Scheduled Caste category, for securing appointment to the post of Senior Observer under Central Government in the office of RMC, Nagpur and that he had connived with the persons in the office of RMC, Nagpur for extending undue favour to him in the selection for the said post (Annexure A1). The applicant denied the charges. The enquiry officer submitted a report dated 24.11.99 to the disciplinary authority who did not accept the report. The disciplinary authority appointed another enquiry officer by order dated 6.12.2000 (Annexure A2). On receipt of the enquiry report dated 24.1.03, the disciplinary authority issued a notice dated 11.2.03 to the applicant (Annexure A3). The applicant submitted a detailed reply but without appreciating the evidence on record and the reply, the disciplinary authority passed an order dated 2.4.03 (Annexure A4) imposing the penalty of removal from service on the applicant. He preferred an appeal which was dismissed vide order dated 1.9.03 (Annexure A5). The enquiry conducted against the applicant was illegal and contrary to the principles of natural justice. No opportunity of hearing was given to the applicant. Hence the impugned orders are illegal and contrary to law and are liable to be quashed.

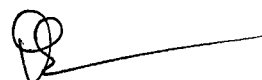


3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that the charges against the applicant were not proved by the earlier enquiry officer. He had submitted his report but it was not accepted by the disciplinary authority and he appointed another enquiry officer. This act of the disciplinary authority is not at all legal and rather it is against rules and procedures laid down. The said EO submitted his report against which the applicant had submitted a detailed reply but the disciplinary authority did not pay any heed to the contentions of the representation of the applicant and without considering the material on record, he passed the severe punishment of removal of the applicant from service vide the impugned order while the charges against the applicant are not proved and established by any evidence. The respondents had not referred the matter regarding the alleged false caste certificate to the concerned committee. Hence the impugned order is liable to be quashed and further argued that no adequate and proper opportunity was given by the EO to the applicant to defend his case properly and all the relevant documents were not supplied to him. The whole procedure adopted by the respondents in conducting departmental enquiry proceedings against the applicant according to the impugned order is against the facts and law.

4. In reply, it is argued on behalf of the respondents that the applicant adopted unfair means for securing employment by producing false caste certificate. On 10.3.94, requisition was sent to all employment exchanges in MP calling candidates for the post of Senior Observer. The maximum age limit was 25 years, relaxable up to 30 years in the case of SC and ST candidates. Employment Exchange Officer, Jagdalpur forwarded a list in March 1994 in which the applicant was shown as a general candidate. At the time of interview also, the applicant had declared himself as a general candidate. To cover up his overage, he produced a SC category caste certificate at a later date without any demand from office. It was done with the sole motive to obtain age relaxation since maximum age limit for SC/ST candidate was 30 years. Hence he adopted unfair means by suppressing facts and submitting false information and producing false

caste certificate. Therefore, there was no need to refer the case for verification of caste certificate to a committee. The respondents had duly got verified the certificate from the West Bengal Government. It clearly stated that no certificate as submitted by the applicant had ever been issued by them. Sufficient opportunity was afforded to the applicant and the charges against the applicant are proved and established. Hence this is not a case of no evidence. The charges are very serious. The action of the respondents in conducting departmental enquiry proceedings and in passing the impugned order is justified.

5. After hearing the learned counsel for both parties and careful perusal of the records, we find that the applicant was given due opportunity of hearing from time to time as the disciplinary authority has issued notice to him on 11.2.03 and he had submitted a detailed reply to the said notice. He also preferred an appeal against the order passed by the disciplinary authority. This fact was got verified by the respondents from the Government of West Bengal and it was revealed that no such certificate as filed by the applicant was ever issued from their office. It was also confirmed that a caste certificate bearing No.11680 had actually been issued to some other individual and not to the applicant. As the applicant was overaged for the said post, there was no provision of relaxation of age by 5 years for candidates belonging to SC/ST category. Hence the applicant filed the alleged false caste certificate. The arguments in this regard on behalf of the respondents seem to be correct. The charges against the applicant are proved and established. Hence this is not a case of no evidence and the Tribunal cannot re-appraise the evidence. The punishment awarded by the respondents – removal of the applicant from service – does not seem to be harsh considering the charges levelled against the applicant, which are apparently very serious in nature. We have perused the order passed by the disciplinary authority dated 2nd April 2003 and also the order passed by the appellate authority dated 1st December 2003. Both these orders are speaking and reasoned orders.



6. Considering all the facts and circumstances of the case, we find that the OA has no merit. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

aa.

पृष्ठांकन सं ओ/न्याः

जबलपुर, दि

प्रतिनिधि

(1) कवि, जयपुर, जबलपुर

(2) अध्यक्ष श्रीमान्, जबलपुर के काउंसिल

(3) प्रवर्गी श्रीमान्, जबलपुर के काउंसिल

(4) अध्यक्ष, जबलपुर के काउंसिल

सूचना एवं आदेश

मुख्य अधिकारी

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