

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 345 of 2002

Jabalpur, this the 4th day of August, 2004

Hon'ble Mr. Sarveshwar Jha, Administrative Member
Hon'ble Mr. Madan Mohan, Judicial Member

Prashant Kumar Tamrakar,
aged about 29 years,
S/ Shri P.C. Tamrakar,
sorting Assistant, Office of the
SRO, J.B. Division, Katni,
R/o Vivekanand Ward, Katni.

APPLICANT

(By Advocate - Shri Rajendra Tiwari Sr. Adv.)

VERSUS

1. Union of India,
through the Secretary to the
Department of Post, Govt of
India, New Delhi.

2. The Superintendent,
Railway Mail Services,
Jabalpur Division, Jabalpur.

RESPONDENTS

(By Advocate - Shri K.N. Pethia)

O R D E R (ORAL)

By Sarveshwar Jha, Administrative Member -

The applicant has challenged the impugned orders of the respondents dated 4.3.02 and 8.2.2002 whereby the applicant has been placed under suspension with immediate effect ~~by~~ (Annexure-A-1) and he had been served memorandum of charges under Rule 14 of the Central Civil Services (Classification Control and Appeal) Rules, 1965 (Annexure -A-2) and also against their orders dated 2.6.2003 whereby the penalty of reduction in the pay scale of Rs. 4000-6000/- from the stage of Rs. 4,100 to Rs. 4000/- has been imposed on the applicant for one year w.e.f. 2.6.2003 and ^{that} he will not be earning increment during the period of reduction and also that after the period of reduction is over this will have postponing effect on his future increments.

S. Pethia

2. It is observed that the respondents have, however, in the meantime, revoked the order of ~~the~~ suspension and also concluded the departmental enquiry/proceeding and imposed the penalty of reduction on the applicant vide impugned order dated 2.6.2003 (Annexure-A-9). Accordingly, the applicant has, vide his MA filed on 4.8.2004, ~~the~~ prayed for quashing of the impugned order of the respondents dated 2.6.2003 on the ground that the respondents have, on conclusion of the enquiry, not found anything wrong with ~~the~~ caste certificate as issued by the S.D.O. Katni and further that the said certificate has been found to be in order. It is therefore, proved that the caste certificate issued in favour of the applicant showing him belonging to the OBC category was genuine. The penalty of reduction in his pay, ~~has~~ been imposed on the applicant only on the ground that the said caste certificate has not been issued by the concerned authority appropriately. The detailed observation of the concerned authority in his order dated 2.6.2003, which is in Hindi, can be seen from the said order at internal page No.5, wherein it is observed that the said authority has pointed out ~~making~~ ^{relating to} the validity of the said certificate/verification of the caste certificate ~~in the office~~ under the State Govt. This has led to the authorities issuing the impugned order date 2.6.2003 forming ^{a view} that the caste certificate which is otherwise genuine has not been issued by the concerned authorities appropriately. They have, however, not explained ~~as to~~ as to how the applicant was responsible for why the State Govt. authority has not issued the caste certificate appropriately.

3. Under these circumstances, it is difficult to appreciate the imposition of the penalty of reduction in his pay imposed on the applicant vide their order dated 2.6.03.

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Accordingly, we are inclined to accept the prayer of the applicant as made in the OA in paragraph 8(1) in so far as quashing ^{the} memorandum placed at Annexure A-2 and also as made in the MA No. 953 for quashing the impugned order of the respondents dated 2.6.2003 ^{are concerned}.

4. Having regard ^{to} the facts that the respondents have found that the caste certificate issued in favour of the applicant is genuine and also that ~~the~~ the State Govt. authority has not issued the caste certificate appropriately, We allow this OA in so far as it relates to Annexure A-2 and also MA No. 953/04 in so far as it relates to the impugned order of the respondents dated 2.6.2003. With this direction the impugned order ~~stand~~ quashed. No costs.

(Madan Mohan)
Judicial Member

(Sarveshwar Jha)
Administrative Member

SKM

पूठांकन सं ओ/ब्या.....जवलपुर, दि.....

प्रतिलिपि अर्पित:-

(1) सचिव, उच्च न्यायालय द्वारा एग्रेसिवेशन, जवलपुर

(2) आवेदनक श्री/श्रीमती/बु.....के काउंसल

(3) प्रत्यक्ष श्री/श्रीमती/बु.....के काउंसल

(4) अध्यक्ष, उच्च न्यायालय, जवलपुर न्यायाधीश

सूचना एवं आवश्यक कार्रवाई हेतु

उप रजिस्ट्रार 13-8-04

Issued
On 13.8.04
BS

R. Tiwari
K. N. Peltia