

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 345 of 2002

Jabalpur, this the 4. the day of August, 2004

Hon'ble Mr. Sarweshwar 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. Pathia)

ORDER (ORAL)

By Sarweshwar Jha, Administrative Member -

The applicant has challenged the impugned orders of the respondents dated 4.3.02 and 8.2.2002 whereby the applicant had been placed under suspension with immediate effect ~~on~~ (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 <sup>that</sup> 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. M.

2. It is observed that the respondents have, however, in the meantime, revoked the order of ~~suspension~~ 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, ~~prayed~~ 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 ~~was~~, ~~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 detail<sup>o</sup>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 ~~that~~ <sup>relating to</sup> 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 <sup>a view of</sup> that the caste certificate which is otherwise genuine has not been issued by the concerned authorities appropriately. They have, however, not explained as to how the applicant was responsible for why the State Govt. authority has not issued the caste certificate appropriately.

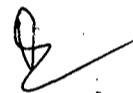
3. Under these circumstances, it is difficult to appreciate the imposition of the penalty of reduction in his pay imposed on the applicant vide their order dated 2.6.03.

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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 <sup>the</sup> 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 <sup>as concerned</sup>.

4. Having regard <sup>to</sup> 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

पृष्ठांकन से ओ/व्या.....जवलपुर, दि.....  
प्रतिलिपि आवेदिता:-

- (1) संविद, उच्च व्याकालक कार एकोटिएशन, जवलपुर
- (2) आपेक्षित श्री/इमरती/द्वा.....के काउंसल
- (3) प्रत्यक्षी श्री/प्रीमतो/द्वा.....के काउंसल
- (4) अधिकारी, को. काउंसल, जवलपुर असाधारित

सूचना एवं आवश्यक वार्ताएँ हेतु

R. Tiwari  
K.N. Petwala

उप रजिस्ट्रार 13-8-04

Issued  
on 13.8.04