

**Central Administrative Tribunal  
Principal Bench, New Delhi**

O.A. No.2988/2018  
M.A. No.3000/2018

Monday, this the 13<sup>th</sup> day of August 2018

**Hon'ble Mr. K.N. Shrivastava, Member (A)**  
**Hon'ble Mr. S.N. Terdal, Member (A)**

P.No.6392 Tractor Dvr. Group C  
Ashbir Singh s/o Shri Sumer Singh  
Aged 32 years  
r/o Village- Babugarh  
PO & PS Babugarh  
Tehsil-Hapur, Distt. Ghaziabad  
Uttar Pradesh – 245201

..Applicant

(Dr. K D S Dalal and Mr. Ranjit Singh, Advocates)

Versus

1. Union of India through the Secretary  
Ministry of Defence  
South Block, New Delhi – 110 011
2. Director General Veterinary Services  
QMG's Branch  
Integrated HQ of MoD (Army)  
West Block -3, R K Puram  
New Delhi
3. Commandant  
Enquine Breeding Stud  
Babugarh – 245201  
Distt. Ghaziabad (UP)

..Respondents

(Dr. L C Singhi, Advocate)

**O R D E R (ORAL)**

**Mr. K.N. Shrivastava:**

The respondent No.3, vide Annexure A-3 (colly.) Advertisement Notice dated 11.03.2011, invited applications for the posts of Tractor Driver and Godown Overseer. It was indicated in the Notice that 5 posts of

Tractor Driver are to be filled up. The applicant applied for the post of Tractor Driver and participated in the selection process. He was declared successful. The respondent No.3, vide appointment letter dated 10.10.2011 (p.59), appointed the applicant to the post of Tractor Driver. His appointment was under the OBC quota.

2. The respondent No.3 conducted a preliminary inquiry in regard to the OBC status of the applicant. It came to the notice of respondent No.3 that the applicant belongs to Jat community of Uttar Pradesh, which does not come under the OBC list of Central Government, and thus, felt that the applicant has secured the said employment on the basis of ineligible caste certificate. Accordingly, the Annexure A-1 (colly.) show cause notice (SCN) dated 13.06.2018 was issued to the applicant. In paragraph (5) of the SCN, it is stated that the applicant is placed under suspension with immediate effect. The respondent No.3 also issued an order of suspension on the same day (p.34), which reads as under:-

“Whereas, a disciplinary proceedings against Shri Ashbir Singh (P No.6392 T/Dvr) is contemplated.

Now, therefore, the undersigned in exercise of the powers conferred by sub-rule (i) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules 1965, hereby places the said Shri Ashbir Singh (P No.6392 T/Dvr) under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarters of Shri Ashbir Singh (P No.6392 T/Dvr) should be EBS, Babugarh Cantt and said Shri Ashbir Singh (P No.6392 T/Dvr) shall not leave the headquarters without obtaining the prior permission of the undersigned.”

3. The applicant submitted his reply to the said SCN vide his letter dated 19.06.2018 (Annexure A-2). Not satisfied with the reply of the applicant,

the respondent No.3 issued charge memo dated 29.06.2018. The charge memo was accompanied with article of charge and statement of imputation in support of the article of charge. The article of charge reads as under:-

“That the said Shri Ashbir Singh (P No.6392 T/Dvr) working as Tractor Driver in EBS Babugarh had applied and obtained appt in the Central govt services in response of rect advt dt 11 Mar 2011 under OBC reserved quota on the basis of caste certificate which was not valid for availing the benefit of reservation in Central Govt. Services vide appt letter No.80289/Q/RV-1(Appt) dt 10 Oct 2011.

“By the aforesaid act, Shri Ashbir Singh (P No 6392 T/Dvr) acted in violation of Rule 3 (I) (i) and (iii) of CCS (Conduct) Rules, 1964.”

4. Learned counsel for applicant submits that the applicant has since replied to the charge memo also vide letter dated 07.07.2018; a copy of which has been placed on record. He further stated that the applicant is ready to fully cooperate with the inquiry.

5. Issue notice to the respondents. Dr. L C Singhvi, learned counsel appears and accepts notice on behalf of respondents.

6. In view of the fact that the applicant has already replied to the charge memo, the ground is now set for the conduct of the inquiry proceedings and thereafter the respondents are at liberty to pass the final order in the disciplinary proceedings.

7. In view of the above, we dispose of this O.A. with a direction to respondent No.3 to complete the disciplinary proceedings within a period of four months from the date of receipt of a copy of this order. The applicant is also directed to cooperate fully in the disciplinary proceedings.

8. In view of the fact that the applicant has undertaken to cooperate fully in the disciplinary proceedings, we are of the view that keeping the applicant under suspension is not warranted, as he would not be having any access to any document, which may enable him to interfere with the disciplinary proceedings. Accordingly, we set aside the suspension order dated 13.06.2018 (p.34).

9. In view of the aforesaid order, M.A. No.3000/2018 shall stand disposed of.

There shall be no order as to costs.

**( S. N. Terdal )**  
**Member (J)**

**( K.N. Shrivastava )**  
**Member (A)**

**August 13, 2018**  
**/sunil/**