

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

O.A. No.2990/2018
M.A. No.3311/2018

Monday, this the 13th day of August 2018

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

P.No.6336 Syce, Group C
Shri Paramjit Singh, Aged 34 years
s/o Shri Sukhvir Singh
r/o Vill Rasulpur, PO Kuchesar
Road Chopla, Tehsil – Hapur
Distt. Ghaziabad (UP)

..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 03.06.2008, invited applications for various posts, including the post of Syce. It was indicated in the Notice that 15 posts of Syce are to

be filled up. The applicant applied for the said post and participated in the selection process. He was declared successful. The respondent No.3, vide appointment letter dated 01.11.2008 (pp. 58 & 59), appointed the applicant to the post of Syce in Remount Veterinary Corps. 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.33), which reads as under:-

“Whereas, a disciplinary proceedings against Shri Paramjeet Singh (P No.6336 Syce) 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 Paramjeet Singh (P No.6336 Syce) under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarters of Shri Paramjeet Singh (P No.6336 Syce) should be EBS, Babugarh Cantt and said Shri Paramjeet Singh (P No.6336 Syce) 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 Paramjeet Singh (P No.6336 Syce) working as Syce in EBS Babugarh had applied and obtained appt in the Central govt services in response of rect advt dt 03 Jun 2008 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.550/Est/Stud dt 01 Nov 2008.

“By the aforesaid act, Shri Paramjeet Singh (P No 6336 Syce) 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.33).

9. In view of the aforesaid order, M.A. No.3311/2018 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/