

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

**Original Application No.478 of 2013 &
MA/21/485/2018**

Order Reserved on: 05.09.2018

Order pronounced on: 06.09.2018

Between:

G. Ganesh, S/o. Manohan,
Aged 62 years, Inspector Control (Retd),
Security Printing Press,
Mint Compound, Saifabad, Hyderabad,
R/o. Flat No. 202, Thirumala Apartments,
Nagarjuna Nagar, Tarnaka, Secunderabad.

... Applicant

And

1. The Joint Secretary,
Department of Economic Affairs,
Ministry of Finance, Govt. of India,
New Delhi.
2. The General Manager, Security Printing Press,
Mint Compound, Saifabad, Hyderabad.

... Respondents

Counsel for the Applicant ... Mr. M. Srinivasa Rao

Counsel for the Respondents ... Mr. B. Lakshman, Advocate for
Mrs. K. Rajitha, Sr. CGSC
Mr. P. Bhaktavatsal, SC for SPP

CORAM:

Hon'ble Mr. B.V. Sudhakar ... Administrative Member
Hon'ble Mr. Swarup Kumar Mishra ... Judicial Member

ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Administrative Member }

The OA has been filed by the applicant aggrieved by the action of the respondents in issuing charge memo dated 24/25.09.2009 and not releasing the pensionary benefits payable to him from 1.11.2008 onwards.

2. Brief facts of the case are that the applicant was appointed as Head Checker on 23.12.1983 in the 2nd respondent organization. He grew up the ladder to the rank of Inspector (Control) by 18.10.2001. The 2nd respondent organization was brought under a Corporation christened as Security Printing & Minting Corporation of India Ltd (SPMCIL) on 13.01.2006. There was an agreement between the employees of the respondent Organization, Government of India and the SPMCIL, as per which, *inter alia*, those employees recruited before 1st January 2004 would be eligible for pension as per Rule 37-A of the CCS (Pension) Rules, 1972, as amended from time to time, on the basis of the combined service rendered by them in the company. The employees who have opted for SPMCIL would be treated as having retired from the service of the Government of India and would be eligible for pension as stated above. The applicant opted for SPMCIL and he was absorbed permanently w.e.f. 01.11.2008 by order dated 29.05.2009. This being the situation, the applicant was issued with a Charge Memo No.SSP/A1/PF/T.No.5679-10/3596, dated 24/25.09.2009 levelling a charge that he secured the employment in the respondents organization by submitting a false/ bogus caste certificate. The applicant retired on 31.08.2015 on attaining the age of superannuation. Consequent to his retirement, he has not been paid regular pension and other terminal benefits for which he is

eligible. Aggrieved on this count, the applicant approached this Tribunal in OA 1127/2016 wherein this Tribunal, vide order dated 09.12.2016, directed the respondents to pay him provisional pension. However, since the disciplinary action initiated has not been taken to its logical conclusion, the applicant is yet to be paid his regular pension and other terminal benefits due and therefore, this OA.

3. The applicant's contention is that since disciplinary action has not been finalized, he is entitled to all the benefits which are due to him after retirement as per the terms and conditions of the service. It is more than 3 years since his retirement and he is suffering untold hardship on the financial front.

4. The respondents contend that on a complaint received, Vigilance Officer of the respondents organization has submitted a report that the caste certificate submitted by the applicant appears to be fake. The matter was then referred to the Mandal Revenue Officer concerned to verify the genuineness of the caste certificate issued to the applicant. The matter was also referred to the competent authority i.e. the District Collector, Guntur district, by the National Commission for Scheduled Castes, Hyderabad vide letter No. 47/01/09-Ser. Dated 07.04.2009 to verify and confirm the

genuineness of the caste certificate issued to the applicant. Learned counsel also submitted a letter bearing RC No.415/2009/C4, dated 1.8.2018 issued by the Joint Collector and Chairman, Dist. Level Scrutiny Committee, Guntur, which states that a One-Man Commission has been appointed to study the existing scheduled caste list of A.P. and that the recommendations of the Committee are awaited. They claim that the delay in release of retirement benefits is because of the alleged fake caste certificate submitted by the applicant and the time involved in getting it verified for taking further steps.

5. Heard learned counsel for both sides and perused the material on record.

6. The learned counsel for the applicant strongly argued that as on date, the caste certificate issued to the applicant stands valid until and unless it is cancelled. Therefore, the action of the respondents to withhold the retirement benefits due to him is illegal. The learned counsel for the respondents has agreed that applicant has a case on legal grounds. However, since the verification of the certificate is to be done by the District Collector, it is taking time and therefore, they are helpless. He also informed that if the terminal benefits and regular pension are released to the applicant, the respondents

organization may not have the opportunity to recover any amount that may likely to be recovered from the applicant pursuant to penalty that may be imposed on him upon completion of the disciplinary action. Hence, they are awaiting the outcome of the genuineness of the certificate.

7. The applicant worked in the respondents organization for nearly 32 years. At the fag end of his service, based on a complaint, the disciplinary action was initiated. To this extent, the respondents have done as to what should be done in such a situation. As per the learned counsel for the respondents, they are making genuine and sincere efforts to get a quick report from the concerned authority about the caste certificate and that they have nothing against the applicant. However, the rule position is clear. The caste certificate was issued by a competent authority and that was submitted by the applicant to the respondents organization. It is trite that once a caste certificate is issued by an appropriate competent authority, the same shall be in force till it is cancelled after following due procedure and by the competent authority in terms of the provisions of the A.P. (SC, ST & BC) Regulation of Issue of Community Certificates Act, 1993 and the Rules thereon.

8. In the present case, it is evident that the competent authority has not cancelled the caste certificate till date. Therefore, the respondents cannot withhold the pensionary and other terminal benefits due to the applicant and thus, this action of the respondents is arbitrary and illegal.

9. The case is well covered by the order of the Principal Bench of this Tribunal in OA No. 1816/2012, dated 18.03.2013, wherein it has been held as follows:

“The genuineness or correctness of the Caste Certificate cannot be gone into by the appointing authority/ disciplinary authority in a disciplinary proceedings. He can, of course, ask the issuing authority or the District Collector to verify whether the certificate as issued to the applicant could still be valid or not. However, it is only if the Certificate is cancelled, the disciplinary authority can proceed against the employee for having furnished the false certificate. The cancellation of the caste certificates has its own prescribed procedure and it is for the competent authority to follow it.”

10. In view of the above, the OA full succeeds. Hence, the respondents are directed to consider release of regular pension and other terminal benefits that are due to him from the date of his retirement as per the terms and conditions of service of the

respondents organization, within a period of 60 days from the date of receipt of copy of this order. It is open to the respondents to take action as is deemed fit after verification of the caste certificate of the applicant by the competent authority, as per law. MA No. 485/2018 stand disposed of. No order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (JUDL.)

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 6th day of September, 2018

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