

**Central Administrative Tribunal
Circuit Bench, Ranchi.**

OA No. 051/00147/2016

MA No. 051/00220/2018

Order reserved on: 12.09.2018

Order pronounced on : 19.12.2018

Hon'ble Mr. A.K.Patnaik, Member (J)

Hon'ble Mr. Pradeep Kumar, Member (A)

1. Sh. Chittaranjan Prasad,
son of Late Moti Lal,
resident of Qtr. No: 2482,
Street No. 20,
Sector – VIII/B,
P.O. & P.S. – Sector – IX,
District Bokaro – 827009.

... Applicant

(By Advocate: Sh. M. P. Dixit)

Versus

1. Steel Authority of India Limited
(through its Chairman),
Ispat Bhawan,
Lodhi Road,
New Delhi – 110003.
2. Chairman,
Steel Authority of India,
Ispat Bhawan,
Lodhi Road,
New Delhi – 110003.
3. General Manager (SMS-1),
Welfare Building,
S A I L, Bokaro Steel Plant,
Bokaro Steel City,
Bokaro – 820007.

... Respondents

(By Advocate: Sh. P. Kumar)

ORDER

By Hon'ble Mr. Pradeep Kumar, Member (A)

1. Heard the learned counsel for the applicant and respondent.
2. The applicant had joined Bokaro Steel Plant on 29.11.1982 as Jr. Operator. In due course, he was promoted as Jr. Officer. It was at this stage that a complaint was made on 02.06.2009 that while the applicant actually belonged to Yadav (Gwala) caste, he had actually submitted his caste as Rajwar at the time of his initial appointment. It was alleged that since caste declaration at the time of initial appointment was wrong, he is not eligible for appointment itself and as such any benefit thereof is also not admissible.
3. On receipt of such a complaint, the respondents initiated a preliminary enquiry. During the course of such enquiry, while it could not be established that the caste certificate submitted at the time of initial appointment was wrong, still some indications came out that he actually belonged to Gwala caste. However, this enquiry was inconclusive and recommended that it will be necessary to take comments from Legal and Vigilance Department before proceeding any further.
4. The Department had accordingly asked him to submit his caste certificate again on 27.11.2009. This was got issued from the

relevant office in Chaas Block of Bokaro District on 05.12.2009. This certificate also indicated that the applicant belongs to Rajwar caste and that he is a resident of village Gora bali, Post Office and Police Station Balidih, District Bokaro.

5. Thereafter, the applicant was issued a charge sheet on 22.03.2010 alleging that the caste certificate submitted by him at the time of his initial appointment on 29.11.1982 was showing his permanent residence as "Village & P.O. Morsanda, P.S. Falka, District Katihar" whereas the caste certificate submitted on 11.12.2009 showed permanent residence as "Village Gorabali, P.O. & P.S. Balidih, District Bokaro", and since it was different it was alleged that the initial caste certificate submitted on 29.11.1982 was taken to be prima facie wrong.

The permanent residential address on the new caste certificate was different as compared to the permanent residential address shown on the caste certificate which was submitted at the time of his initial recruitment. Despite caste being shown as Rajwar in both these certificates, the initial caste certificate was taken to be false and, thereafter the applicant was terminated from service vide order dated 11.02.2013.

6. Feeling aggrieved, the Applicant approached Hon'ble High Court of Jharkhand in WPS No. 1296/2013. It was decided on 04/05.12.2014 and he was directed to approach Tribunal as SAIL

was already brought under the jurisdiction of Tribunal vide notification dated 31.03.2010 .

7. The applicant preferred an O.A. No. 051/00125/2015 in Tribunal which was decided on 20.08.2015 with the direction to avail the departmental remedy of appeal and hence the said O.A. was withdrawn. However, the appeal had already been preferred on 16.02.2013 which was already rejected by the competent authority on 31.07.2013. Therefore, in follow up of Central Administrative Tribunal order, he made another representation dated 12.10.2015 which has not been decided as yet. Hence, the instant application.

8. The applicant has sought following reliefs in instant O.A.:

“8.1 For setting aside the Separation Order NO. 356868/0 dated 11.02.2013 passed by the respondent No. 3.

8.2 For a direction upon the respondent No. 2 to consider and to dispose off the Departmental Appeal preferred by the petitioner.

8.3 For a direction upon the respondents to re-instate the petitioner with all consequential service and monetary benefits.

8.4 Any other relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;”

9. The respondents pleaded that the applicant had submitted a caste certificate issued by BDO, Falka on 02.03.1979 to the effect that he belonged to Rajwar caste and also that he is a permanent resident of village Morsanda, Post Office Morsanda, Police Station Falka, District Katihar. During preliminary enquiry, issuance of this caste certificate from District Katihar could not be established. Further, it came out that he belongs to Gwala caste (Yadav) which

is not eligible for Schedule Caste status. When he was asked to submit his caste certificate again, it was obtained from Chaas Block, Balidih District, Bokaro, with a indication that he resides at this address as a permanent resident for last 50 years.

Accordingly, charge imposed against the applicant was that he submitted a caste certificate which was issued from a place different from his normal permanent address. Thus, the caste certificate, by implication, was taken to be false. It was pleaded that since the appointment was obtained on the basis of a false caste certificate, the punishment of termination from service, imposed is in order and O.A. needs to be dismissed.

In support of this, two cases were quoted where this view was upheld by the Hon'ble Supreme Court in **Bank of India Vs. Avinash D Manvikar (2005) 7SCC 690** and **R. Viswanath Pillai vs. State of Kerala (2004) 2 SCC 105**.

10. The matter has been heard at length. It is noted that the applicant had submitted a caste certificate issued by BDO, Falka, District Katihar, on 02.03.1979 which indicated his caste to be Rajwar and he was indicated to be a permanent resident of Village Morsonda, Post office Morsonda, Police Station Falka, District Katihar.

During a preliminary enquiry conducted by the respondents, the caste was indicated to be Gwala (Yadav) which is not eligible for Schedule Caste benefits. However when the applicant was asked to

submit the caste certificate again he got it from circle officer Chaas Block of Bokaro District. This certificate also indicated his caste to be Rajwar and permanent address as village Gora Bali, Post Office and Police Station Balidih, District Bokaro for more than 50 years. This 50 years period was said to be typographical error and applicant pleaded it to be actually 25 years.

Accordingly, what comes out from both these certificates is that his caste is Rajwar and he admittedly belongs to Schedule Caste and his initial appointment could not be faulted on this score. Since his place of residence got changed to Bokaro in 1979 on account of his joining Bokaro Steel Plant, he had submitted the second caste certificate from his new place of residence. Discounting the same only on account of change in place of residence, is not correct.

Further, the caste certificate issued by the relevant Civil Authorities, remains valid till it is cancelled by the relevant competent authorities. This has not been got done yet by the respondents.

The order of termination of 11.02.2013 as well as the decision by the Appellate Authority dated 31.07.2013 have only indicated that he gave false information relating to his caste and place of residence at the time of his initial appointment. Accordingly, the termination order was kept unchanged. This reasoning for termination cannot be considered to be sufficient. The two

certificates show his caste to be Rajwar only which is admittedly Schedule Caste, therefore, place of issue of certificates and place of residence will not be relevant to the extent that he could be terminated from the service on this basis.

11. In the event, the termination order dated 11.02.2013 as well as the order by the Appellate Authority dated 31.07.2013, are quashed with all consequential benefits. The respondents are at liberty to get his caste certificate verified and if the same are found to be incorrect, get them cancelled and take subsequent action thereafter as deemed fit, accordingly.

12. Applicant has filed MA No. 051/00220/2018 for amendment to certain relief sought in OA. Since relief sought in OA has been granted above, it is not considered necessary to go into this MA. Accordingly, MA No. 051/00220/2018 is disposed off as above.

There shall be no order as to cost.

Sd/-

(Pradeep Kumar)
Member (A)

Sd/-

(A.K. Patnaik)
Member (J)

“AS”