

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 2633/2015

Reserved on 19.03.2019
Pronounced on: 29.03.2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)**

S.U.M. Rao, Aged about 64 years,
S/o Late S. Mukhalingapaddu,
Retd. Senior Principal Scientist
Grade-IV (5), NPL, Flat No. 101,
North Block, Bay Breeze Residency,
Door No. 7-5-147/1/1
Pandurangapuram, Vishakapatnam-530003
Andhra Pradesh.

... Applicant

(Present: None)

VERSUS

1. Union of India,
Through its Secretary,
Deptt. of Scientific & Industrial Research
Ministry of Science & Technology,
Technology Bhawan, New Mehrauli Road,
New Delhi-110067
2. Council of Scientific & Industrial
Research (CSIR)
Through its Director General,
Anusandhan Bhawan, Rafi Marg,
New Delhi-110001
3. National Physical Laboratory,
Through its Director
Dr. K.S.Krishna Marg,
New Delhi-110012.

... Respondents

(By Advocate: Ms. K.Iyer)

O R D E R

Hon'ble Mr. S.N. Terdal, Member (J):

We have heard Ms.K.Iyer, counsel for respondents. None for applicant. Hence, we proceed to dispose of the OA in terms of Rule 15 of

the CAT (Procedure) Rules, 1987 after perusing the pleadings and the documents available on the file and hearing the submission of the counsel for the respondents.

2. In this OA, the applicant has prayed for the following reliefs:

- "(a) Set aside the above orders dt. 14.11.2013 and 1.12.2014 of the Vice President of CSIR, passed on behalf of the President, CSIR as being arbitrary, of illegal and unconscionable.
- (b). Pass an order directing respondents to grant all consequential benefits including arrears of pay.,
- (c) pass such other order(s) which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case."

3. The relevant facts of the case are that a departmental enquiry was initiated against the applicant for having secured the job in the year 1975 in the respondent organization of CSIR on the basis of false and fabricated Scheduled Tribe (ST) certificate dated 5.06.1972. As the applicant did not admit the charge, an Inquiry Officer was appointed. The inquiry Officer after holding the departmental enquiry as per rules and also following the principles of natural justice held that charge levelled against the applicant was proved vide his inquiry report dated 18.05.2010. The inquiry report was served on the applicant in June 2010 and the applicant filed his representation against the inquiry report on 24.06.2010. In the meantime, the applicant retired on superannuation in August, 2011. After his retirement following the procedure, the proceedings were continued under Rule 9 of CCS (Pension) Rules, 1972. The disciplinary authority considered the entire material on record and also the grounds raised in the representation filed by the applicant against the inquiry report and passed an order imposing the penalty of withholding pension of the applicant vide order dated 14.11.2013. The

applicant filed an appeal. The appellate authority also after considering the entire material and also taking into account the grounds raised by the applicant in his appeal by a reasoned and speaking order rejected the appeal vide order dated 1.12.2014 which orders have been challenged in this application.

4. The counsel for the respondents vehemently and strenuously submitted that the inquiry was conducted following all the procedural rules and also giving reasonable opportunity of affectively participating to the applicant and in the departmental enquiry it was established that the applicant was not being belonging to ST caste but, however had secured false ST certificate and on the basis of said false certificate he secured employment in the respondent organization CSIR way back in 1975 and thus he has committed grave misconduct and in view of the law laid down by the Hon'ble Supreme Court, the applicant does not have the right to salary or right to pension as he has not been validly and legally appointed. In support of her contention, the counsel for the respondents relied upon the following judgments:

- (1) **Union of India Vs. Dattatray Namdeo Mendhekar**
(CA No. 1639/2008)
- (2) **Bank of India & Anr Vs. Avinash D.Mandivikar & Ors**(Appeal (Civil) 347/2004)
- (3) **Union of India Vs. H.S.Roorkiwal and Ors**
(W.P (C)4345/2012)
- (4) **Chairman and Managing Director, Food Corporation of India and Others Vs. Jagdish Balaram Bahira and Others** (2017)8 SCC 670)

5. In view of the facts of the case narrated above and in view of the law laid down by the Hon'ble Supreme Court referred to by the counsel for respondents, the OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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