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**CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION No. 463/2015**

**Date of decision: 15.10.2019**

**CORAM:- R. VIJAYKUMAR, MEMBER (A).  
R.N. SINGH, MEMBER (J).**

1. Venkata Ramanaiah Kakka,  
Age: 44 years,  
Son of Somayya Kakka  
Residing at: Type-I, New  
Qtr. No.64/10, Rage Hills,  
Kirkee, Pune-411020. From the  
office of the Senior Quality  
Assurance Establishment (Armaments)  
Department of Defence Production  
Ministry of Defence Production  
Ministry of Defence, Khadki,  
Pune-411 003.

**...Applicant.**

**(By Advocate Shri P. J. Prasadrao)**

**VERSUS.**

1. Union of India,  
Through the Secretary,  
Department of Defence Production  
(DGQA), Ministry of Defence,  
South Block, New Delhi-110 011.
2. The Director General of  
Quality Assurance,  
Department of Defence Production,  
Nirman Bhavan PO, New Delhi-110 011.

3. The Senior Quality Assurance Inspector  
Senior Quality Assurance Officer (Armaments)  
Department of Defence, Khadki,  
Pune-411 003.
4. The Principal Secretary to  
Government (TW),  
Social Welfare (VC.2) Department  
Government of Andhra Pradesh,  
Hyderabad-500 001.

**... Respondents.**

**(By Advocate Shri V. S. Masurkar and Shri D. A. Dube)**

**O R D E R**

**Per: R. Vijaykumar, Member (A)**

1. When the case is called out, Shri P. J. Prasadrao, learned counsel appeared for the applicant.
2. Shri V. S. Masurkar and Shri D. A. Dube, learned counsels appeared for the respondents.
3. This OA has been filed on 16.10.2015 under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following reliefs:

"a. To allow this application.

b. This Hon'ble Tribunal be pleased to quash and set aside the impugned orders dated 04<sup>th</sup> July 2015, the departmental charge memo dated 07<sup>th</sup> July 2014 and the departmental proceedings thereon as they are in-fructuous due to staying of the orders of the District Collector, Praksham district, Andhra Pradesh on

the instructions of Hon'ble High Court of Judicature, Hyderabad and the Ministry of Social Welfare Department Secretariat, Hyderabad.

c. This Hon'ble Tribunal be pleased to re-instate the Applicant pending decision of the Ministry of Social Welfare department Hyderabad regarding the validity of the caste certificate as it is pre-mature to remove the Applicant from the service when the validity of the caste certificate is yet to be decided by the competent authority.

d. This Hon'ble Tribunal be pleased to grant ad-interim relief in terms of prayer clause (c) above

e. Any other or further order(s) may be granted in the interest of justice.

f. Cost of the application may be awarded in favor of the Applicants."

4. The applicant has challenged the impugned orders at Annexure A-1 of the respondents no. SQAE(A)/LAB/8809 dated 04.07.2015 by which the disciplinary authority considered the charges of submission of false Schedule Tribe community certificate and after conduct of inquiry, has passed orders for removing from service w.e.f. 04.07.2015. The applicant had later submitted before the disciplinary authority that the orders of the Collector Prakasam District, Andhra Pradesh cancelling the certificate issued to him previously

on various grounds, the matter had been taken to the Hon'ble High Court of Andhra Pradesh and meanwhile, the orders of the Collector had been stayed by the Government of Andhra Pradesh pending consideration of the matter. However, neither the Hon'ble High Court nor Government of Andhra Pradesh have restored the certificate that had been cancelled by the Collector of Prakasan district and therefore, the respondents have passed the orders of removal on the consideration there was no basis for the applicant to claim to belong to a Scheduled Tribe and on the grounds that he had obtained the employment on false application, he was removed from service.

5. The learned counsel for the applicant was heard on this point and he confirms that the Government of Andhra Pradesh had issued such stay orders pending consideration of the matter.

6. In the circumstances, it is evident that whatever orders are passed finally by the Government of Andhra Pradesh in regard to the applicant will need to be brought to the notice of the respondents by the applicant as and when such orders are available. At the present moment, we do not find any reason to interfere in the matter. No other ground

has been taken by the applicant during the course of arguments.

7. In view of the above, the OA is disposed of.

No costs.

(R. N. Singh)  
Member (J)

(R. Vijaykumar)  
Member (A)

V.

TD  
22/10/19

