

**(2003) 04 AP CK 0073**  
**In the Andhra Pradesh High Court**  
**Case No : WA No. 1678 of 1998**

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|-------------------------------------------------|------------|
| Deputy General Manager, Canara Bank and Another | APPELLANT  |
| Vs                                              |            |
| A. Rama Rao                                     | RESPONDENT |

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**Date of Decision :** 04-04-2003

**Acts Referred:**

**Citation :** (2003) 3 ALD 463 : (2003) 3 ALT 424 : (2003) 3 LLJ 400

**Hon'ble Judges :** G. Yethirajulu, J; Bilal Nazki, J

**Bench :** Division Bench

**Advocate :** Deepak Bhattacharjee, for the Appellant; R. Vijayanandan Reddy, for Y. Krishna Reddy, for the Respondent

**Final Decision :** Allowed

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## Judgement

Dr. G. Yethirajulu, J.—This appeal is directed against the judgment of a learned Single Judge of this Court dated 1-9-1998 in W.P.No. 12916 of 1990 by granting the relief in the nature of certiorari setting aside the order of punishment imposed by the appellate authority against the writ petitioner on the ground that he produced a fabricated letter in support of his false claim as a Scheduled Tribe candidate.

2. The respondents in the writ petition being aggrieved by the order of the learned Single Judge preferred this appeal challenging its validity and legality.

3. On 11-4-1977 the writ petitioner was appointed as a Clerk in Canara Bank in the quota meant for Scheduled Tribe candidates on production of a false certificate that he belongs to Scheduled Tribe. His probation was declared on 11-10-1977. Subsequently he was promoted to Officer Grade and was also confirmed in the said cadre on 18-4-1985. In the year 1985 the Bank received an anonymous complaint that the petitioner do not belong to Scheduled Tribe. The Bank forwarded the said complaint to the Collector, West Godavari District for necessary enquiry. The writ petitioner pleaded that he belongs to "Medari" caste and claims that it falls under Scheduled Tribe and denied the production of a

false certificate. On 20-11-1998 the Collector issued a notice to the writ petitioner calling upon him to explain as to why the certificate issued by the Tahsildar on 20-2-1977 should not be cancelled. Subsequently the Collector sent a letter to the Bank stating that the petitioner does not belong to Scheduled Tribe. On receipt of the said letter, the Bank kept the petitioner under suspension. Aggrieved by the order of suspension, the petitioner filed W.P. No. 16918 of 1988 before this High Court and it was disposed of with a direction to conduct enquiry within three months. Thereupon the Bank issued a charge sheet, enquiry was conducted and ultimately he was imposed with a punishment of removal from service through the order dated 21-5-1990. Against the said order the writ petitioner filed an appeal before the appellate authority i.e., the 2nd appellant herein and it was ultimately rejected on 17-8-1990. The petitioner filed the writ petition in which the impugned order was passed by the learned Single Judge, challenging the order of punishment imposed by the 1st appellant and confirmed by the 2nd appellant. He took number of grounds contending that the enquiry was unwarranted, that it was vitiated for violation of the principles of natural justice and that the findings of the enquiry officer are wholly untenable and based on no evidence.

4. The learned Single Judge while allowing the writ petition observed that even though two separate charge sheets were issued setting out two charges, one for production of false caste certificate issued by the Tahsildar and the other for production of false letter purported to be issued by the Collector, West Godavari District, the contents of the charges is a decisive factor. The production of false communication dated 20-5-1985 has no relevance in the context of the matter. The learned Single Judge further observed that if the charge of producing false certificate is not proved, the false letter becomes inconsequential and the said charge pales into insignificance. The learned Judge also observed that even if the charge is proved, the ancillary charge loses its force and becomes redundant. The learned Judge also observed that there is no answer from the Bank as to why it did not proceed with the principle charge of obtaining employment by producing false Scheduled Tribe Caste Certificate and why it embarked upon most insignificant and irrelevant charge of producing a false letter purported to be given by the Collector. Ultimately the learned Single Judge held that the enquiry conducted against the writ petitioner is vitiated and consequentially the order of punishment imposed on him was set aside.

5. In the light of the findings of the learned Single Judge and the judgment dated 1-9-1998, the point that arises for consideration is whether there are any grounds to interfere with the impugned judgment on the ground that it is erroneous?

6. The writ petitioner, who is the respondent herein, was appointed to the post of Clerk under Scheduled Tribe quota. Admittedly he belongs to "Medari" community. The sub-caste "Medari or Mahendra" is finding place at S.No. 21 of Backward Classes Group-A in the schedule enclosed to the A.P. State and

Subordinate Service Rules, 1996. In order to get over the inconvenience of substantiating his case, the writ petitioner introduced a story that when he applied for Social Welfare Scholarship as a Backward Class candidate while studying Degree Course, the District Social Welfare Officer did not grant scholarship on the ground that "Medari" community falls under Scheduled Tribe, therefore, he is not entitled for scholarship as a B.C. candidate. His further story is that subsequently he was permitted to apply for scholarship under Scheduled Tribe category during next year and the District Social Welfare Officer recommended the same. The writ petitioner therefore contends that in the light of his earlier experience in getting the scholarship as a Scheduled Tribe candidate, he applied for the post of the Clerk in the appellant-Bank as a Scheduled Tribe candidate by producing a certificate that he belongs to Scheduled Tribe. The petitioner, however, did not place any material either before the enquiry officer or before the Writ Court to substantiate his contention that he was granted scholarship as a Scheduled Tribe candidate. The writ petitioner concedes that he belongs to Backward Class. When once the sub-caste of the writ petitioner is not one of the castes notified by the Government from time to time in the schedule of the Constitution, he is not entitled to the benefits of a candidate belonging to Scheduled Tribe.

7. There was a communication from the Collector to the Bank that the writ petitioner does not belong to Scheduled Tribe. When a show cause notice was issued to the writ petitioner as to why action shall not be taken against him for producing a false caste certificate, he produced a forged letter purported to be issued by the Collector to the effect that the caste certificate issued to him is genuine and he belongs to Scheduled Tribe. The disciplinary authority therefore framed two charges, viz., one regarding the production of false caste certificate and the other regarding the production of a false letter dated 20-12-1985 to cover up his earlier act of obtaining employment in the Bank by misrepresenting that he belongs to Scheduled Tribe.

8. The learned Counsel for the respondent submitted that as the charges covered by the two charge sheets are inextricably intermixed, it is difficult to apply the principle of severability, therefore, the order of the disciplinary authority accepting the report of the enquiry officer in respect of the charge covered by the latter charge sheet is unsustainable and the learned Single Judge was right in setting aside the said order. In support of his contention, he cited a judgment of the Supreme Court in *Union Bank of India Vs. Vishwa Mohan*, wherein the Supreme Court did not agree with the judgment of the High Court that as the charge sheets filed against the delinquent officer in the case covered by the said decision are inextricably mixed up, the principle of severability cannot be applied, by holding that on the facts of the case, the said principle has no application. In the case on hand, the charges are distinct and they are not inter-mixed, therefore, conducting enquiry in respect of the charges covered by each charge sheet separately has no bar. We do not find any force in the contention of the learned Counsel in this regard.

9. It is an undisputed fact that an enquiry was conducted in respect of the first charge sheet regarding the production of the forged letter and in pursuance of the report of the enquiry officer the writ petitioner was imposed the punishment of removal from service. The employment taken up by the writ petitioner is an office of public trust and it will be very difficult for any Bank to run the institution with the person on whom they cannot repose confidence and trust. The disciplinary authority got an enquiry conducted against the appellant regarding the production of false letter and he was found guilty of the charge. The conduct of the writ petitioner indicates that he is prepared to go to any extent to cover up the blunder committed by him for securing employment and in that process he did not hesitate to produce a letter purported to be issued by the Collector to make his berth in the Bank safe and to further cheat the institution by way of making the people to believe that he still belongs to Scheduled Tribe. We are of the view that the production of a forged letter itself can form the basis for a separate disciplinary action.

10. The learned Single Judge took a view that the charge covered by the first charge sheet is ancillary to the charge covered by the second charge sheet. With due respect, we are unable to agree with the view of the learned Single Judge in this regard. When the writ petitioner failed to substantiate his stand that the letter purported to be issued by the Collector is a genuine one, he has to face the wrath of removal and he has no legal or moral stand to continue to be an officer of the Bank. The learned Single Judge instead of considering the legality or otherwise of the order of the appellate authority went into the other details. When once the disciplinary authority and the appellate authority found the writ petitioner guilty of production of a forged letter, the Writ Court instead of going into the facts has to consider as to what was the illegality or irregularity committed by either the disciplinary authority or the appellate authority in this regard.

11. After carefully going through the entire record, we are of the view that the charge covered by the first charge sheet is not ancillary to the charge covered by the second charge sheet and in the light of the plea taken by the disciplinary authority that the writ petitioner produced a forged letter purported to be issued by the Collector, West Godavari District, the disciplinary authority is competent on that ground alone to conduct an enquiry against the writ petitioner and can find him guilty of the charge. We are of the further view that even if the enquiry regarding the production of false caste certificate is not finalized, it has no bearing on the finding of the disciplinary authority and the appellate authority regarding the charge covered by the first charge-sheet.

12. In the light of the above discussion, we are unable to agree with the view expressed by the learned Single Judge. We are therefore inclined to set aside the order of the learned Single Judge and allow the appeal as prayed for.

13. In the result, the writ appeal is allowed by setting aside the judgment of the learned single Judge of this Court dated 1-9-1998 in WP No. 12916 of 1990. WP

No. 12916 of 1990 is accordingly dismissed. Each party to bear its own costs.