

(2018) 07 CAT CK 0062

In the Central Administrative Tribunal

Case No : Original Application No. 1216 Of 2017, Miscellaneous Application No. 3678 Of 2017, 2947 Of 2018

Jyoti Matia

APPELLANT

Vs

Union Of India And ors

RESPONDENT

Date of Decision : 19-07-2018

Acts Referred:

Citation : (2018) 07 CAT CK 0062

Hon'ble Judges : L. Narasimha Reddy, J; Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : M.K. Bhardwaj, L.C. Singhvi, Gyanendra Singh, Manish Kumar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant joined the service of the National Cooperative Development Corporation, the third respondent herein, in the year 1980, as an Assistant, in a vacancy reserved in favour of Scheduled Tribe (ST) category. She has earned promotions thereafter. Her appointing authority initiated disciplinary proceedings against her by issuing a charge-sheet dated 22.12.2016 (Annexure A-1), alleging that the caste certificate produced by her at the time of her employment was not genuine. She was also placed under suspension through an order of the same day. Shortly thereafter, the applicant retired from service on attaining the age of superannuation. This OA is filed with a prayer to set aside the charge-sheet dated 22.12.2016, and the order of suspension.

2. The principal ground urged by the applicant is that the proceedings are initiated several decades after she joined the service, and there is no basis for initiation of the same. It is also mentioned that at one point of time, a responsible authority of the third respondent had decided to drop the proceedings, and with an ulterior motive, the proceedings are initiated just with an objective to deprive the applicant, of her retiral benefits.

3. The respondents filed counter affidavit opposing the OA. It is stated that a doubt was being expressed on the genuineness of the caste certificate produced by the applicant, and at several stages the matter did not reach finality. It is also stated that after thorough verification of records, and on receiving communication from the concerned authorities, it was prima facie found that the caste certificate relied upon by the applicant is not genuine, and thereafter disciplinary proceedings were initiated.

4. Heard Shri M. K. Bhardwaj, learned counsel for the applicant, and Shri L. C. Singhvi, learned counsel appearing for the respondents.

5. The challenge to the order of suspension has become virtually redundant, inasmuch as the applicant has since retired from service. Now it is to be seen as to whether there exist any grounds warranting interference with the charge-sheet. The allegation contained in the charge-sheet is as regards the genuineness of the caste certificate.

6. It is true that the proceedings were initiated at a time when the applicant was about to retire from service. However, the principles of laches or limitation hardly apply to matters of this nature. As a matter of fact, in the order of appointment itself, it is clearly mentioned that in case the particulars furnished by the applicant are found to be incorrect at any stage of service, suitable action would be taken.

7. Whatever be the desirability of fixing time for conducting inquiry into other aspects, the one as regards the genuineness of the caste certificate, stands at a different footing. The reason is that the social status, if accepted once, would confer benefits not only on the concerned official, but also on his children and other family members. If the caste certificate is not genuine, it would be a case where a bona fide ST was denied of his opportunity of being appointed, and the employee enriches and benefits himself on the strength of a false certificate. Therefore, the question of laches cannot be accepted in matters of this nature.

8. It is argued that a decision to drop the proceedings was taken almost a decade ago, and there is no basis for re-opening them at this stage. The applicant has not been able to produce the so called proceedings through which the decision is said to have been taken to drop the proceedings. Such a letter was issued just on a request made by the applicant, and it cannot be said to have been issued after enquiry or verification.

9. Viewed from any angle, we do not find any basis to interfere with the charge-sheet. The OA is accordingly dismissed. However, we direct that the disciplinary proceedings shall be concluded within a period of six months.

There shall be no order as to costs.