

G. SUNDARSAN
v.
UNION OF INDIA AND ANR.

JULY 12, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Service Law:

Central Civil Services (Classification, Control and Appeal) Rules : Rule 14—Forfeiture of pension—Person entering service under Scheduled caste quota—Actually not belonging to Scheduled Caste—Held: Forfeiture justified.

The petitioner was appointed under the Scheduled Caste quota in the Income tax Department and he became Income tax Inspector. Three years prior to his retirement, departmental proceedings were initiated against him and it was proved that he was not a member of Scheduled Caste and was thus not eligible to enjoy such status. Under Rule 14 of the CCS(CCA) Rules, his pension was forfeited. Petitioner approached the Tribunal and it confirmed the finding of the disciplinary authority. Hence this Special Leave Petition.

Dismissing the Petition, this Court

HELD : It is for the petitioner to prove that he belongs to the Scheduled Caste specified in the Presidential Notification in relation to the State to which he belongs and was born. In S.S.L.C. register, the petitioner did not claim his status as a Scheduled Caste. On the other hand, his father's name was mentioned as Ganga Naidu and he claimed to be Hindu. In those circumstances the certificate obtained from the Revenue Authorities in the year 1956 is obviously a false certificate. Hence the forfeiture of pension cannot be said to be unwarranted. [152-F-G]

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) No. 12376 of 1995.

From the Judgment and Order dated 9.12.94 of the Central Administrative Tribunal, Madras in O.A.No. 694 of 1993.

S. Srinivasan for the Petitioner.

A The following Order of the Court was delivered :

B The petitioner was admittedly appointed in the quote of Scheduled
 C Castes in the Income-tax Department and ultimately he rose to the status
 as Income Tax Inspector. Three years prior to retirement, he was called
 upon to prove that he is scheduled caste and departmental enquiry was
 held. He was given opportunity and it was found, relying upon the entries
 in service book, S.S.L.C. Register and other documentary evidence, that he
 is not a member of the scheduled caste and as such he is not eligible to
 enjoy the status as a scheduled caste in the Government service. On that
 premise, they imposed, under Rule 14 of CCS (CCA Rules), punishment
 of forfeiting his pension. Calling in question that order dated December 9,
 1987, the petitioner filed an O.A. in the Tribunal. The Tribunal, after
 elaborately considering the evidence on record, confirmed the finding of
 the disciplinary authority that the petitioner had wrongfully gained appoint-
 ment against the post reserved for Scheduled Casts, and imposition of
 D penalty of forfeiture of pension was legal.

E We have gone through the reasoning of the Tribunal. We find that
 the same are perfectly justified. It is vehemently contended by the learned
 counsel for the petitioner, Sri Srinivasan, that a certificate was issued in
 1956 by the competent authority stating that the petitioner belonged to the
 community recognised as a scheduled castes and petitioner's grandfather
 belonged to Thotti Naicken community and he continued in office for the
 period of 30 years. At this belated stage, it cannot held that he is not a
 scheduled caste and cannot be called upon to prove it once over.

F We cannot appreciate this stand taken by the petitioner. It is for the
 petitioner to prove that he belongs to the scheduled caste specified in the
 Presidential Notification in relation to the State to which he belongs and
 was born. In S.S.L.C. register, the petitioner did not claim his status as a
 scheduled caste. On the other hand, his father's name was mentioned as
 Ganga Naidu and he claimed to be Hindu. In those circumstances the
 G certificate obtained from the Revenue Authorities in the year 1956 is
 obviously a false certificate.

Under these circumstances the penalty of forfeiture of pension cannot be said to be unwarranted. The petition is accordingly dismissed.