

PETITIONER:
G. SUNDARASAN

Vs.

RESPONDENT:
UNION OF INDIA & ANR.

DATE OF JUDGMENT 12/07/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1996 AIR 668 1995 SCC (4) 644
JT 1995 (5) 568 1995 SCALE (4) 464

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

The petitioner was admittedly appointed in the quota of Scheduled 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 appointment against the post reserved for Scheduled Castes, and imposition of penalty of forfeiture of pension was legal.

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.

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 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.

JUDIS