

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8335 of 2018

1. Union Of India Through The Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi, Pin No.110001
2. The Sr. Superintendent of Post Offices, Bilaspur Division, District Bilaspur, Chhattisgarh, Pin No.495001

---- Petitioner

Versus

- Vinod Kumar Parmar, S/o Shri Shiv Kumar Parmar Aged About 25 Years, R/o Village Darwaja, Post Ghanaghat Viya Lormi, District, District- Mungeli, Chhattisgarh Pin 495115

---- Respondent

For Petitioners

Shri Vaibhav P. Shukla, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Hon'ble Justice Mrs. Vimla Singh Kapoor

Order On Board By

Prashant Kumar Mishra J.

14/12/2018

1. Challenge in this petition is to the order passed by the Central Administrative Tribunal, Jabalpur allowing the respondent's application, which in turn was preferred to challenge the termination order dated 03.07.2014.
2. The respondent was appointed as GDS-BPM, Dhandhan (Takhatpur) w.e.f. 06.12.2012 vide order dated 16.05.2013 (Annexure-A-2). The respondent having applied for the said recruitment as a Reserve Category Candidate, he was required

to submit the permanent Caste Certificate issued by the Competent Authority. On his failure to produce such permanent Caste Certificate, show cause notice was issued to him and eventually the service was terminated on 03.07.2014, because the respondent failed to submit the permanent Caste Certificate till that time.

3. The Tribunal has allowed the original application for the reason that the Competent Authority has issued the permanent Caste Certificate to the respondent on 01.09.2014, therefore, there is no dispute with regard to his caste status, termination of service was improper.
4. Having heard learned counsel for the petitioner, we are of the considered view that once the respondent has been issued a permanent Caste Certificate, the same would relate back to his status for all times to come including the date on which he applied for the post as a Reserve Category Candidate. Thus, he was not disqualified to hold the post as a Reserved Category Candidate on the date of application or appointment. True it is that there was delay on the part of the respondent in submitting the permanent Caste Certificate, but for that he should not be penalized by terminating his services. Record would demonstrate that the respondent was moving applications before the Competent Authority for issuance of Caste Certificate, which could ultimately be issued to him on 01.09.2014. If the Competent Authority did not proceed expeditiously to issue caste certificate, it was not the fault of the respondent.

5. Despite anxious consideration, we are not able to persuade ourselves to take any different view of the matter. There is no substance in this writ petition. It fails and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Vimla Singh Kapoor
Judge

Nirala