

Asita Kumar Nayak Vs Union Of India & Others

Court: Central Administrative Tribunal Cuttack Bench, Cuttack

Date of Decision: Jan. 9, 2025

Hon'ble Judges: Sudhi Ranjan Mishra, Member (J); Pramod Kumar Das, Member (A)

Bench: Division Bench

Advocate: N.R. Routray, M.R. Mohanty

Final Decision: Allowed

Judgement

Pramod Kumar Das, Member (A)

1. Ld. Counsel for the applicant has submitted that the certificate of the applicant that he belongs to "Gonda" Scheduled Tribe was subjected to

scrutiny by the State Level Scrutiny Committee and the Committee submitted its report (FCC No. 21/11) dated 20.06.2012 holding that fraud was

committed by the applicant in clear terms and recommended for termination of service and revocation of the forged ST Certificate produced by him.

Based on the said report, the applicant was removed from service vide order dated 12.08.2020. Appeal and revision preferred by the applicant were

rejected vide orders dated 29.09.2021 and 15.02.2022 respectively. It is submitted that challenging the said orders, the applicant approached this

Tribunal praying inter alia to quash the order dated 12.08.2020, 29.09.2020 (sic) and 15.02.2022 and to direct the respondents to treat the period of

dismissal from service till the date of superannuation as duty and pay consequential financial benefits and to accept the pension papers and to release

the pensionary benefits.

2. It is submitted that meanwhile applicant challenged the order of the State Level Scrutiny Committee (SLSC), FCC No. 21/11 dated 20.06.2012,

before the Hon'ble High Court of Orissa in W.P(C) No. 11807/2012 and the Hon'ble High Court of Orissa vide order dated 18.11.2022 was

pleased to quash the report of the State Level Scrutiny Committee (FCC No. 21/11) dated 20.06.2012 with liberty to the applicant to approach his

employer for immediate reinstatement on continuity of service and the Union of India (Railway) is obliged to expeditiously deal with the approach.

Hence, by producing copy of the order of the Hon'ble High Court of Orissa, Ld. Counsel for the applicant submitted that in view of the order of

Hon'ble High Court of Orissa, the impugned orders became nonest in the eyes of law entitling the applicant all his dues, which he would have

been entitled to had he not been removed from service.

3. The respondents filed their counter on 23.08.2022 by stating that absolutely there was no illegality in the order of removal, which was passed based

on the report of the SLSC holding that fraud was committed by the applicant in clear terms and had recommended for termination of service and

revocation of the forged ST Certificate produced by him. The stand taken above has also been reiterated by the Ld. Counsel for the respondents in

course of hearing. Since, the order of the Hon'ble High Court of Orissa was dated 18.11.2022, which was much after the filing the counter, no

whisper is made in the counter with regard to the said order of Hon'ble High Court.

4. After considering the arguments of the parties, we have perused the records. We find that the removal from service was passed by the authority

concerned based on the report of the SLSC and the Hon'ble High Court of Orissa was pleased to quash the said report of SLSC with liberty to

the applicant to approach his employer for immediate reinstatement on continuity of service and the Union of India (Railway) was to expeditiously deal

with the approach. Going by the age declared by the applicant in the OA, it appears that the applicant must have reached the age of superannuation by

the time the order was passed by the Hon'ble High Court of Orissa. But, no document has been filed by either of the parties whether any

consequential order has been passed by the authorities concerned in compliance of the order of the Hon'ble High Court of Orissa. Be that as it

may, in compliance of the order of the Hon'ble High Court of Orissa, the impugned orders are held to be nonest in the eyes of law and the

respondents are directed to grant the consequential benefits in accordance with law if not already granted, within a period of 60 days from the date of

receipt of a copy of this order.

5. In the result, the OA is allowed. No costs.