

1	2
Jammu & Kashmir	Andaman & Nicobar Admn.
Karnataka	Chandigarh
Kerala	Dadra & Nagar Haveli
Madhya Pradesh	Daman & Diu
Maharashtra	Lakshdweep
Orissa	
Punjab	
Rajasthan	
Tamil Nadu	
Uttar Pradesh	
West Bengal	
Delhi	
Pondicherry	
Nagaland	
Meghalaya	

[English]

#### Misappropriation of Funds in Super Bazar

3311. SHRI SHANTILAL PARSOTAMDAS PATEL :  
Will the Minister of FOOD AND CONSUMER AFFAIRS  
be pleased to state:

(a) whether the attention of the Government has been drawn to a news item captioned "CBI frames 5 officials of Super Bazar" appearing in the *Times of India* dated April 15, 1997;

(b) if so, the facts of the matter reported therein;

(c) the amount of fraud, misappropriation of funds which came to the notice of the Government;

(d) whether any FIR has been lodged in this regard;

(e) whether these officers have not been suspended even after the registration of FIR by the CBI; and

(f) if so, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD AND CONSUMER AFFAIRS (SHRI RAGHUVANS PRASAD SINGH) : (a) Yes, Sir.

(b) and (c) According to information furnished by the Super Bazar, Delhi, the surprise check and inspection conducted by the Vigilance Department of their branch at New Friends Colony, Delhi, had revealed that branch officials of the Super Bazar through connivance and conspiracy as well as manipulation committed various acts of commission and omission resulting in mis-appropriation and stock shortages amounting to Rs. 6,17,094.67. On the basis of the above findings, 5 officials of the Super Bazar, Delhi working in that branch during the period were put under suspension on 4.11.96.

(d) to (f) In view of the seriousness of the matter, the Super Bazar Management referred the case to the CBI which has registered an FIR on 24.4.1997 involving 3 officials who were already under suspension and two more accounts officials pertaining to the Regional Distribution Centre of Super Bazar at Trilok Puri.

[Translation]

#### Guidelines for OBC Certificates

3312. SHRI RAM TAHAL CHAUDHARY :  
SHRI MOHAMMAD ALI ASHRAF FATMI :

Will the Minister of WELFARE be pleased to state:

(a) the guidelines prescribed for getting Other Backward Caste certificates for the people;

(b) whether any time limit has been fixed for the scrutiny of such requests; and

(c) if not, the reasons therefor?

THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA) : (a) The guidelines for getting Other Backward Caste certificate has been prescribed and circulated to all State Governments/Union Territories as at Statement enclosed.

(b) and (c) No Sir, since issuance of OBC certificate falls under the purview of the respective State Governments and Union Territory Administration, they are expected to issue these certificates in the shortest possible time after conducting necessary verifications.

**Statement*****Immediate***

No. 36012/22/93-Estt. (SCT)  
 GOVERNMENT OF INDIA  
 MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
 AND PENSIONS  
 DEPARTMENT OF PERSONNEL & TRAINING  
 NEW DELHI

Dated the 15th Nov. 1993

To,

The Chief Secretaries of  
 all the State Governments/Union Territories.

Sub: Reservation for Other Backward Class—exclusion of Creamy Layer for the purpose of appointment in services and posts under the Government of India—Certificate to be produced by the candidates.

Sir,

I am directed to say that the Government of India has issued instructions on 8.9.93 providing for reservation to Other Backward Classes in the services and posts under the Government of India (A copy of this O.M. is enclosed). The Other Backward Classes for the purpose of the above said reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Government's list. A list of such castes and communities was notified in Resolution No. 12011/68/93-BCC(C), dated 10th Sept. 1993 published in the Gazette of India, Extraordinary Part I Section I dated 13.9.93. For the purpose of verification of the castes and communities the Government of India has prescribed a certificate from the following authorities as in the case of SC/ST *vide* this Department's O.M. No. 36012/22/93-Estt. (SCT), dated 22.10.93 (copy enclosed):

- (a) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/Ist Class Stipendary Magistrate/Sub-Divisional Magistrate/Tuluka Magistrate/Executive Magistrate/Extra Assistant Commissioner (not below the rank of Ist Class Stipendary Magistrate).
- (b) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- (c) Revenue Officer not below the rank of Tehsildar; and
- (d) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

2. In the light of the Supreme Court's judgement in the Indira Sawhney case, this Department has specified the persons/section ("Creamy Layer") to whom the benefit of reservation shall not apply *vide* column 3 of the Schedule to the Department of Personnel and Training O.M. No. 36012/22/93-Estt. (SCT), dated 8.9.93. It has been considered that the same authorities who are notified as competent to certify OBCs status should also be authorised to certify that a candidate does not belong to the "Creamy Layer". It is, therefore, requested that instructions may be issued to the District Authorities under your control to verify and issue the necessary certificate to the candidates regarding his OBCs status as well as exclusion from the "creamy layer". To enable the District Authorities to examine the claims of the candidates a model format has been devised as in annexure B. This may be suitably revised if considered necessary. The format of the certificate that may be given by the concerned district authorities may be as in Annexure A.

3. It is also requested that wide publicity may be given to the Ministry of Welfare Resolution No. 12011/68/93-BCC(C), dated 10-9-93 published in the Gazette of India/Extraordinary Part I Section I, dated 13-9-93 containing the list of Backward Castes as well as to DOPT O.M. No. 36012/22/93-Estt. (SCT), dated 8-9-93 which specifies the criteria which will determine the persons who belong to the creamy layer and to whom the reservation shall not apply. This will facilitate the candidates to ascertain their eligibility for reservation. It would also be advisable to appropriately brief the certifying Authorities and to provide them with sufficient number of copies of the above mentioned Gazette Notification and the Deptt. O.M. date 8.9.93 in order to ensure prompt and correct certification.

4. A copy of the orders issued by your Government in this regard may also be endorsed to this Department for information.

Yours faithfully,

sd/

(Smt. Sarita Prasad).

Joint Secretary to the Government of India.

**Annexure A**

FORM OF CERTIFICATE TO BE PRODUCED BY  
OTHER BACKWARD CLASSES APPLYING FOR  
APPOINTMENT TO POSTS UNDER THE  
GOVERNMENT OF INDIA

This is to certify that.....son  
of..... of village .....  
District/Division..... in the ..... State .....  
belongs to the ..... community which is  
recognised as a backward class under the Government  
of India, Ministry of Welfare Resolution No. 12011/68/93-  
BCC(C), dated 10th Sept. 1993 published in the Gazette  
of India Extraordinary Part I Section I dated 13th Sept.  
1993. Shri ..... and/or his family ordinarily reside(s)  
in the ..... District/Division of the ..... State. This  
is also to certify that he/she does not belong to the  
persons/sections (Creamy Layer) mentioned in column 3  
of the Schedule to the Government of India, Department  
of Personnel & Training O.M. No. 36012/22/93-Estt. (SCT),  
dated 8.9.93.

District Magistrate.  
Deputy Commissioner etc.

Dated:

Seal

NB: (a) The term 'ordinarily' used here will have the same  
meaning as in Section 20 of the Representation of  
the Peoples Act, 1950.

(b) Where the certificates are issued by Gazetted  
Officers of the Union Government or State  
Governments, they should be in the same form but  
*countersigned* by the District Magistrate or Deputy  
Commissioner (Certificates issued by Gazetted  
Officers and attested by District Magistrate/Deputy  
Commissioner are not sufficient). [deleted vide  
O.M. dt. 1.2.97.]

**Annexure B**

APPLICATION FORM FOR A CERTIFICATE FOR  
ELIGIBILITY FOR RESERVATION OF JOBS  
FOR OTHER BACKWARD CLASSES IN  
CIVIL POSTS AND SERVICES  
UNDER GOVERNMENT  
ON INDIA

(This form, however, should be used only as a model.  
Additional items, if necessary, may be incorporated to  
suit to the local situation in the form).

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir,

I request that a certificate in respect of reservation  
for other Backward Classes in Civil Posts and Services  
under Government of India be granted to me.

I give below the necessary particulars:—

1. Full Name of the applicant :  
(in Block letters)
2. Date of birth :
3. Complete Residential Address :  
(a) Present  
(b) Permanent
4. Religion :
5. Caste :
6. Sub-caste :
7. Occupational Group :
8. Serial Number of the Caste in the  
Central List of OBCs. :
9. Name of Father :
10. Name of Mother :
11. Name of Husband :
12. Status of Parent(s)/Husband :

Father                      Mother

(A) Constitutional Posts.

(I) Designation

- (B) Government Services.
- (i) Service (Central/State).
  - (ii) Designation
  - (iii) Scale of Pay, including classification, if any,
  - (iv) Date of appointment to the post.
  - (v) Age at the time of promotion to Class I Post (if applicable)
- II. Employment in International Organisation e.g. UN, UNICEF, WHO.
- (i) Name of Organisation
  - (ii) Designation
  - (iii) Period of service  
(indicate date from.....to.....)
- III. Death/Permanent Incapacitation (Omit if not applicable)
- (i) Date of death/Permanent incapacitation putting an officer out of service.
  - (ii) Details of permanent incapacitation.
- (C) Employment in Public Sector Undertakings etc.
- (i) Name of Organisation.
  - (ii) Designation.
  - (iii) Date of appointment to the Post.
- (D) Armed Forces including Para-military Forces  
(This will not include persons holding civil posts.)
- (i) Designation.
  - (ii) Scale of Pay.
- (E) Professional class (other than those covered in item Nos. B & C) and those engaged in trade, Business and Industry.
- (i) Occupation/profession
- (F) Property-Owners
- (F) I. Agricultural Land Holding : owned by mother, father & minor children.
- (i) Location.
  - (ii) Size of holding.
  - (iii) (a) Irrigated  
(Type of irrigated land).
  - (i)
  - (ii)
  - (iii)
- (b) Unirrigated.  
*To be certified by District Revenue Officer not lower than the rank of Tehsildar.*
- (iv) Percentage of irrigated land holding to statutory ceiling limit under State land Ceiling laws.
  - (v) If land holding is both irrigated/unirrigated total irrigated land holdings on the basis of conversion formula in State land Ceiling law.
  - (vi) Percentage of total irrigated land holding to statutory ceiling limit as per. (iv).
- (F) II. Plantation:
- (i) Crops/Fruit.
  - (ii) Location.
  - (iii) Area of Plantation.
- (F) III. Vacant land and/or building in urban areas or urban agglomeration.
- (i) Location of Property.
  - (ii) Details of Property.
  - (iii) Use to which it is put.
- (G) Income Wealth.
- (i) Annual family income from all sources (excluding salaries & income from agricultural land.)
  - (ii) Whether Tax Payer (Yes/No).  
(If yes, a copy of the last three years return be furnished).
  - (iii) Whether covered in Wealth Tax Act (Yes/No).  
(if so furnish details)
13. Any other remarks.
14. I certify that above said particulars are true to the best of my knowledge and belief and that I do not belong to the Creamy Layer of OBCs and eligible to be considered for posts reserved for OBC's. In the event of any information being found false or incorrect, or ineligibility being detected before or after the selection, I understand that my candidature/appointment is liable to be cancelled and I shall be liable to such further action as may be provided under the law and/or Rules.
- Yours faithfully,
- Place : Signature of the candidate.
- Date :

Immediate**Annexure A**

No. 36012/22/93-Estt. (SCT)  
GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSION

DEPARTMENT OF PERSONNEL & TRAINING  
NEW DELHI

Dated the 15th Nov., 1993

Sub: Reservation for Other Backward Classes in Civil Posts and Services under the Government of India regarding.

The undersigned is directed to refer to paragraph 5 of this Department's O.M. of even number dated 22.10.93 wherein the authorities competent to issue certificate for the purpose of verification of the castes/communities have been indicated for the purpose of giving the benefit or reservation to Other Backward Classes in Civil Services and posts under the Government of India. It has now been decided that the same authorities which are notified as competent to certify OBCs status should also be authorised to certify that the candidate in question does not belong to the persons/section (creamy layer) mentioned in column 3 of the Schedule to this Department's O.M. of even number dated 8.9.93. A modal form of certificate to be furnished by the candidates from the authorities mentioned at para 5 of O.M. dated 22.10.93 is enclosed at Annexure A. This certificate may be accepted by the Ministries, Departments etc. for the purpose of giving the benefit of reservation to Other Backward Classes.

(Sd/-)

(M. Venkataraman)

Under Secretary to the Government of India)

To

1. All Ministries/Departments of the Govt. of India.
2. Department of Public Enterprises, New Delhi.
3. Department of Economic Affairs (Banking Division), New Delhi.
4. Department of Economic Affairs (Insurance Division), New Delhi.
5. UPSC, New Delhi with reference to their No. F.22/31/92-E(I)B, dated 3.11.93.
6. SSC, New Delhi with reference to their No.1/77/90-P&P, dated 1.11.93.
7. Ministry of Welfare, New Delhi (Smt. Manjula Krishna, Director), New Delhi.

**Form of Certificate to be produced by Other Backward Classes applying for appointment to posts under the Government of India.**

This is to certify that .....  
son of .....of village .....  
District/Division.....  
in the .....State.....  
belongs to the.....community  
which is recognised as a backward class under the Government of India, Ministry of Welfare Resolution No. 12011/68/93-BCC(C), dated 10th Sept. 1993 published in the Gazette of India Extraordinary, Part I, Section I, dated 13th Sept. 1993, Shri ..... and/or his family ordinarily reside(s) in the.....District/Division of the .....State. This is also to certify that he/she does not belong to the persons/sections (Creamy Layer) mentioned in column 3 of the Schedule to the Government of India, Department of Personnel & Training O.M. No. 36012/22/93-Estt. (SCT), dated 8.9.93.

District Magistrate,  
Deputy Commissioner etc.

Dated.

Seal

NB

- (a) The term 'ordinarily' used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.
- (b) Where the certificates are issued by Gazetted Officers of the Union Government or State Governments, they should be in the same form but countersigned by the District Magistrate or Deputy Commissioner (Certificates issued by Gazetted Officers and attested by District Magistrate/Deputy Commissioner are not sufficient).

[English]

**Forgery Cases**

\*3313. SHRI UTTAMSINGH PAWAR : Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether attention of the Government has been drawn to the news item captioned 'Bailing out accused a