

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHENNAI BENCH**

**OA/310/00362/2020**

**Dated Thursday the 13<sup>th</sup> day of August Two Thousand Twenty**

**CORAM : HON'BLE SHRI. S. N. TERDAL, Member (J)  
HON'BLE SHRI. T. JACOB, Member (A)**

**(Through Video Conferencing)**

K.Suganthi, D/o. A. Krishnasami,  
C3, All India Radio Staff Quarters,  
Maharaja Nagar,  
Tirunelveli 11.

....Applicant

By Advocate M/s. S. Doraisamy

Vs

Union of India rep by,  
1.The Directorate General, All India Radio,  
India's Public Service Broadcaster, Prasar Bharati,  
S-VII Section ([s7@air.org.in](mailto:s7@air.org.in)), Akashwani Bhawan,  
Sansad Marg, New Delhi 110001 rep by its  
Deputy Director of Admn.

2.The Deputy Director General (E),  
All India Radio,  
Kamarajar Salai,  
Chennai 600004.

3.The Director (Engg), Prasar Bharati,  
All India Radio,  
Tirunelveli 2.

....Respondents

By Advocate Mr. M. Kishore Kumar

**ORAL ORDER****(Pronounced by Hon'ble Shri. S. N. Terdal, Member(J))**

This OA has been filed seeking the following relief :

"To call for the records relating to the File No. 15/1330/1992-S.VII (Vol-III) on the file 1<sup>st</sup> respondent dated 06.07.2020 set aside the same and direct the respondents to convert the service of the applicant as general candidate as per the judgment of the Hon'ble Supreme Court in Kavitha Solunke V. State of Maharashtra and others, reported in 2012 (8) SCC 430 relying on the decision of the Constitution Bench in State of Maharashtra V. Millind (2001) 1 SCC 4 and judgment of the Hon'ble High Court of Madras in the case of P. Jayaprakash V The Executive Director (WP No. 4075 of 2016 order dated 22.03.2016) and pass such further or other orders and thus render justice."

2. Heard Mr. S. Doraisamy, Counsel for the applicant and Mr. M. Kishore Kumar, Counsel for the respondents on advance notice. The petitioner has challenged the impugned order dt. 06.07.2020 which reads as follows :-

“

File No. 15/1330/1992-S.VII(Vol.-III)

Prasar Bharati

(India's Public Service Broadcaster)

Directorate General : All India Radio

S-VII Section ([s7@air.org.in](mailto:s7@air.org.in))

Akashwani Bhawan,

Sansad Marg,

New Delhi,

Dated : 06/07/2020

OFFICE MEMORANDUM

Whereas Smt. K. Suganthi, working as Transmission Executive (TREX) at All India Radio, Tirunelveli, was selected for the said post under the category of Scheduled Tribe (ST) and was directed to submit the original

Community Certificate. During the course of the process, her case was referred to State Level Scrutiny Committee (SLSC), Chennai for deciding the genuineness of the community status. The SLSC after due process concluded that the individual does not belong to Kondareddy community which is classified as ST community.

Consequent to the rejection of her claim Smt. K. Suganthi filed petition before the Hon'ble High Court, Madras. After the said petition was dismissed by the Hon'ble High Court the individual has filed OA 252 of 2020 before the Hon'ble CAT, Madras bench seeking a direction to the department to treat the individual as a General category candidate instead of a ST community candidate. The Hon'ble Tribunal, at the admission stage, disposed of the OA with a direction to the respondent department to pass a reasoned order on her representation. In compliance with the directions the representation is disposed of as detailed below.

Whereas Smt. K. Suganthi was selected as TREX through SSC under the ST category based on the claim by the individual that she belonged to Kondareddy community which has been included in the Scheduled Tribe and appointed as such at All India Radio, Tirunelveli in the year 1992. She was instructed to submit Original community certificate from the competent authority and since she could not furnish the same her appointment is being continued on provisional basis till date. In the meanwhile the Revenue Divisional Officer, Musiri after verification found that Smt. K. Suganthi did not belong to Kondareddy community which has been categorised as ST Community and that she belonged to forward 'Reddiyar' community and vide proceedings No. Mu.Mu.16689/89 dated 8-1-1990 rejected her claim. Her subsequent appeal to District Collector, Tiruchirapalli was also rejected, who confirmed the findings of the RDO, Musiri and cancelled the community certificate issued originally. It is also reported that the RDO, Musiri has filed a criminal complaint against the individual for having submitted a forged community certificate and FIR has been registered in Cr. No. 486 of 2013 under sec. 42, 468 & 471 IPC.

Whereas on the intervention of Hon'ble High Court, Madras Smt K. Suganthi's appointment as TREX was continued on provisional basis subject to her producing the Community Certificate from the Competent authority. It would suffice to mention that the individual filed several petitions before the Hon'ble High Court, Madras in all these years and has been continuing only on the strength of the orders passed in such petitions.

Finally, Smt. K. Suganthi filed WP No. 4643/2014 in which Hon'ble High Court issued direction to Dy. Director General (E), AIR, Chennai to refer the matter relating to the Community Certificate of the individual to State Level Scrutiny Committee within a period of two weeks from the date of the copy of the order, and that SLSC should consider the matter afresh and pass appropriate orders thereon after making necessary enquiry and after giving an opportunity of hearing to the petitioner within a period of twelve weeks. Accordingly the department referred the matter to SLSC in June 2014.

The State Level Scrutiny Committee, Adi Dravidar and Tribal Welfare Department, Chennai vide their proceedings No. 2907/CVIII/2014-17 dated 12.02.2018 in the matter of verification of genuineness of Scheduled Tribe Community Certificate ('Hindu-Kondareddis' Community Certificate) issued to K. Suganthi, D/o – A.Krishnasami has concluded that the individual does not belong to Hindu 'Kondareddis' Schedule Tribe community and rejected the claim and also cancelled ST community certificate issued by Tahsildar, Tiruchirapalli and ordered the following :-

**“After careful examination, the State Level Scrutiny Committee has unanimously concluded that Smt. K. Suganthi, D/o. Thiru. A. Krishnasamy does not belong to Hindu 'Kondareddis' Scheduled Tribes Community and rejected the claim of 'Kondareddis' Scheduled Tribes Community by the individual. The 'Kondareddis' Scheduled Tribes Community Certificate dated 23.05.1972 issued to K. Suganthi, D/o. Thiru. A. Krishnasamy by the Tahsildar, Trichirapalli is hereby stand cancelled.”**

Thereafter, Smt. K. Suganthi, TREX filed a W.P. 5673 of 2018 at Hon'ble High Court of Madras to quash the above order of the SLSC, Adi Dravidar & Tribal Welfare Dept. Govt. of Tamilnadu. This Writ Petition challenging the SLSC order has been dismissed by the Hon'ble High Court, Madras vide Order dated 26.11.2018. The Operative part of the Order dated 26.11.2018 is as under :-

**“The petitioner has been prolonging the matter by filing various petitions before this Court for so many years. From the files, it could be seen that the Vigilance Report, dated 20.11.2017 was given to the petitioner and the same was received by the petitioner and the incomplete report was received by her pursuant to the information obtained through the RRI Act prior to one month from 20.11.2017. As the said Vigilance Report, dated 20.11.2017 was in fact furnished to the petitioner, which is evident from the files, we do not find any merit in the Writ Petition.**

**Hence, the Writ Petition is dismissed. No costs. Consequently, W.M.Ps. are closed.”**

After the dismissal of the abovesaid W.P. 5673/2018, the individual filed a R.P. 193/2018 in W.P. 5673/2018 in the Hon'ble High Court, Madras. The said R.P. has also been dismissed by the Hon'ble Court vide their Order dated 20.10.2019. Thereafter, she has approached the Hon'ble CAT, Madras with the present OA 252/2020 with a prayer to treat her appointment as belonging to General category.

Smt. K. Suganthi's representation dated 12.02.2020 has been carefully examined in the light of the materials available on record and various Judgements of Hon'ble Supreme Court and Hon'ble High Court referred by Smt. Suganthi and it is found that the individual has applied for the post of Transmission Executive under Scheduled Tribe (ST) category knowing very well that she does not fulfil the requirement. After obtaining the appointment the individual has, at every stage, put strenuous efforts by filing various petitions before the Judicial forum and has successfully obstructed the process

of verification of her community status by the competent authority since 1992. As such, her request for treating her as a General Category candidate can not be acceded to.

Her representation dated 12.02.2020 is disposed of accordingly.

This issues with the approval of competent authority.

-sd-

(Kanwarjeet Singh)

Deputy Director of Admn.

Smt. K. Suganthi,  
Transmission Executive,  
AIR, Tirunelveli (through AIR, Tirunelveli).

Copy to:-

1. Under Secretary, BA(P) Section, Ministry of I & B, A-Wing, Shastri Bhawan, New Delhi.
2. DDG (E)/HOO, AIR, Chennai, Kamarajarsalai, Mylapore, Chennai – 600004 (Tamilnadu).
3. The HOO, All India Radio, Tirunelveli, Sarojini Park, Tirunelveli – 627002 (Tamilnadu).”

3. Learned counsel for the respondents seriously objected submitting that this is an abuse of the process of the Court.
4. From the perusal of the impugned order it is clear that the applicant joined the department in the year 1990 claiming to be a Scheduled Tribe candidate. For the last 30 years by filing one petition or the other before the CAT and alternatively before the Hon'ble High Court she continued in the service. Now

after almost 30 years, she is now admitting that she is not an ST candidate and she should be considered as a General candidate. She has deprived an ST candidate of a job way back in 1990. Now she wants to continue taking undue advantage of the process of the Court which is a clear abuse of the process of law and process of courts. From the facts, it is clear that the applicant has not approached the court with clean hands but has approached the court only to take undue advantage of the legal process for continuing in the job.

5. In view of the above, the OA is dismissed with a cost of Rs. 25,000/- to be paid to the CAT Bar Association Library Fund.

**(T.Jacob)**  
**Member(A)**

**(S.N.Terdal)**  
**Member(J)**

**13.08.2020**

SKSI