

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/20/360/2020

HYDERABAD, this the 22nd day of July, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



Gajjana Srinivasa Rao,
S/o. Appa Rao,
Aged about 53 years,
Occ: Senior Section Engineer,
Electrical Traction Distribution Power,
Supply Installations,
Krishna Canal,
Tadepalli Post, Guntur District.

... Applicant

(By Advocate: Mr. K. R. Srinivas)

Vs.

1. Union of India rep. by its
Senior Divisional Personnel Manager,
South Central Railways,
DMR Office Compound,
Vijayawada.
2. The Senior Divisional Electrical Engineer,
Traction Distribution South Central Railways,
Vijayawada.

... Respondents

(By Advocate: Mr. N. Srinatha Rao, SC for Railways)

ORDER (ORAL)

Hon'ble Mr. B.V. Sudhakar, Admn. Member

2. The OA is filed in regard to promotion of the applicant to the post of Senior Technician/PSI in Level 6 on the ground that his 'ST' social status is intact.



3. Brief facts are that, when the District Collector, Srikakulam, at the first instance, informed the respondents that the caste certificate of the applicant was not issued by the revenue authorities and that the applicant did not belong to the 'Bentho Oriya' Caste vide proceedings dated 13.5.2009, he challenged the same vide WP No.12800 /2010 in the Hon'ble High Court of A.P. and the said proceedings were suspended by the interim orders of the Hon'ble High Court vide WPMP No. 16131/2010 on 9.6.2010. The very next day the applicant i.e. on 10.6.2010 the applicant was dismissed from service and challenging the same, OA 601/2010 was filed by the applicant wherein the respondents were directed to reinstate the applicant in the light of the Hon'ble High Court orders, as an interim measure on 13.6.2010 and subsequently, the OA was disposed on 7.9.2010 directing the respondents to take action as per Hon'ble High Court orders referred to. The Writ Petition was allowed vide order dt. 05.09.2014 wherein respondents were directed to take action as per procedure and in accordance with law. The matter is thus pending with the District Collector in regard to the caste verification consequent to the directions of the Hon'ble High Court. Later, the applicant, being eligible for promotion to the post of Senior Technician/PSI in Level 6, appeared in the viva voce examination held for the said post on 27.4.2018 but he was not promoted whereas as 17 others were promoted vide proceedings of the respondents dated 29.6.018 and 2.12.2019 respectively. The applicant represented on 25.01.2020 and the same was rejected vide the impugned proceedings dt. 23.06.2020 on the ground that the verification of his caste certificate is pending with the Collector, Srikakulam District. Aggrieved, the OA has been filed.



4. The contentions of the applicant are that the Hon'ble High Court has directed the caste certificate be verified as per procedure and law. Therefore, till the District Collector verifies and decides, his caste status will continue to be what it was before his caste certificate was cancelled by proceedings dated 13.5.2009. Hence, the respondents cannot stall his promotion on ground that the caste status is under verification by the District Collector. He has prayed that he be promoted to the Sr. Technician post as he is fully eligible and his 'ST' caste status is intact as on date.

5. Heard both the counsel and perused the pleadings on record.

6. It is seen that the caste status is under verification by the District Collector, Srikakulam in pursuance of the orders of the Hon'ble High Court in the WP cited. Respondents have not promoted the applicant as his caste verification is pending. Applicant claims that he is fully eligible and therefore, denying promotion albeit his ST caste status is intact is arbitrary and against rules. After hearing both the sides, it would be fair and appropriate to direct the respondents to get the Caste Certificate verified within a period of 3 months from the date of receipt of this order, by taking up with the District Collector, Srikakulam. Based on the outcome of the verification, the promotion of the applicant can accordingly be decided as per rules and in accordance with law.

7. With the above direction, the OA is disposed of. No order as to costs.

(B.V. SUDHAKAR)
ADMN. MEMBER

(ASHISH KALIA)
JUDL. MEMBER

/evr/