

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00608/2020

HYDERABAD, this the 30th day of September, 2020**Hon'ble Mr. Ashish Kalia, Judl. Member**
Hon'ble Mr. B.V. Sudhakar, Admn. Member

T.Sankar S/o T.Appa Rao, aged about 61 years,
Occupation Chief Ticket Inspector (Retd.),
O/o Senior Divisional Commercial Manager,
S.C. Railway, Bezawada Division, Vijayawada,
R/o 21/10/25/1, Sri Nagar 1st Line,
Satyanarayanapuram, Vijayawada, AP.



...Applicant

(By Advocate : Mr. K. Siva Reddy)

Vs.

Union of India rep by

1. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager,
South Central Railway,
Vijayawada Division,
Vijayawada.
3. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada Division,
Vijayawada.

....Respondents

(By Advocate : Mr.D.Madhava Reddy, S.C. for Railways)



ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



The O.A. has been filed challenging the action of the respondents in withholding the terminal benefits like retirement gratuity, commutation of pension of the applicant, etc.

2. The brief facts of the applicant are that the applicant retired as Chief Ticket Inspector on 31.8.2019. The terminal benefits of the applicant have not been released on the ground that there is a dispute regarding the social status of the applicant. The applicant claims that the social status of his father and brother, who also worked for the respondent's organization, was already settled by the orders of this Tribunal and the judgement of the Hon'ble High Court. The respondents have implemented the judgement. Despite the orders of the judicial fora, not releasing his terminal benefits is arbitrary and illegal is the assertion of the applicant. Aggrieved over non-release of retiral benefits, the present O.A. has been filed.

3. The contentions of the applicant are that on the date of retirement, he has not been issued any charge memo nor there has been any criminal case pending against him in a competent court of law. The issue of caste certificate issued in favour of the family member of the applicant has been decided by this Tribunal and the Hon'ble High Court of Andhra Pradesh, after going into the relevant facts. Therefore, in view of the findings of the judicial fora, withholding the terminal benefits of the applicant is illegal.

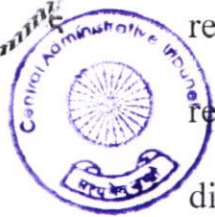


4. Heard Sri K. Siva Reddy, learned counsel for the applicant and Sri D. Madhava Reddy, learned counsel for the respondents, and perused the material placed on record.



5. The applicant has retired on 31.8.2019. The respondents, it is claimed by the applicant, that have withheld his terminal benefits in view of the controversy over his social status. The applicant states that in respect of his elder brother, who also worked for the respondents, the same issue cropped up. Consequently, he challenged the action of the respondents in O.A. 614/2015, which was allowed. When the respondents preferred an appeal over the order of this Tribunal in W.P. No.30566/2016, it was dismissed on 27.10.2016. The Hon'ble High Court specially observed that "so long as the original community certificate has not been withdrawn, the Railway Administration cannot again and again ask the employee to produce fresh community certificate." Despite such an observation by the Hon'ble High Court, the respondents again harassed one another brother of the applicant in a similar manner. Therefore, O.A. No.1145/2016 was filed and the same was allowed by this Tribunal. Even in respect of the father of the applicant, similar issue cropped up and it was decided in favour of the father of the applicant in W.P. No.10557/1993. The applicant claims that he belongs to Konda Kapu community, which comes under the category of Scheduled Tribe. The main contention of the applicant is that the respondents are harassing his family members and only after approaching the judicial fora, relief is granted. The case of the applicant is very much similar to that of his brothers and father. Therefore, he seeks relief on similar grounds. Pointing out the above, the applicant represented to the

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respondents on 22.11.2019. Till date, there is no response from the respondents. Keeping the above facts in view, we direct the respondents to dispose of the representation dated 22.11.2019 within four weeks from the date of receipt of this order in terms of the relevant rules and in accordance with law, by issuing a speaking and reasoned order.



With the above direction, the O.A. is disposed of. No order as to costs.