

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00066/2021

HYDERABAD, this the 24th day of February, 2021

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



Elika Ravi S/o Rupas, Group-C
Aged about 50 years,
L.S.G.H.S.A., B.P.C-II,
Begumpet, Hyderabad – 500 016.

...Applicant

(By Advocate : Mr. M. Venkanna)

Vs.

1. Union of India, represented by
Its Secretary to the Government of India,
Ministry of Communications & IT,
Department of Posts – India, Dak Bhavan,
Sansad Marg, New Delhi – 110001.

2. The Chief Postmaster General,
Telangana Circle, “Dak Sadan”,
Abids, Hyderabad 500 001.

3. The Senior Superintendent RMS,
Hyderabad Sorting Division,
HYDERABAD – 500 027.

....Respondents

(By Advocate : Mr.K.Venkateswarlu, Addl. CGSC)

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

Through Video Conferencing:

2. The OA is filed by the applicant with a prayer to quash and set aside the Charge Memo dt. 06.01.2021 issued by the 3rd respondent.



3. Brief facts of the case are that the applicant working as Sorting Assistant in the respondents organization was issued Rule 14 charge sheet on 6.1.2021 in regard to his community certificate and the applicant submitted a detailed explanation on 16.01.2021.

Applicant approached the court of Principal Junior Civil Judge, Chirala vide OS No. 35/2007 for change of surname from “Elika” to “Melika” which was dismissed. Against the said dismissal, Appeal Suit No.19/2011 was filed before the Sr. Civil Judge, Chirala, which too did not succeed. Thereafter, applicant approached the Hon'ble High Court in Second Appeal No.1636 of 2018 which is pending. Meanwhile, in the Rule 14 inquiry, applicant was shown the document cancelling the caste certificate of his brother Sri Ramesh to which applicant informed that the cancellation of the certificate by the District Collector has been stayed by the State Govt. Further, based on a complaint, the District Collector has taken up verification of the caste certificate and challenging the same, WP No.21078 of 2020 was filed before the Hon'ble High court of Andhra Pradesh, which was disposed with a direction to reply to the show cause notice issued. Thus, the matter is pending with the District Collector and till it is decided, the proceedings are to be stopped and since respondents are not doing so, the OA is filed.

4. The contentions of the applicant are that he approached the court of Principal Junior Civil Judge, Chirala only for the change of surname and not in respect of the caste certificate. The Second Appeal No. 1636/2018 filed by the applicant is pending before the Hon'ble High Court. The proceedings pertaining to community verification are still pending with the District Level Scrutiny Committee.



5. Respondents, on the contrary, state that the applicant secured employment as Sorting Assistant as 'ST' candidate. The Principal Junior Civil Judge, Chirala in OS 35/2007, filed seeking change of surname from ELIKA to MELIKA, has held that the surname of Elika is used in Yadava community and that the applicant belongs to BC Community. The appeal filed before the Sr. Civil Judge, Chirala vide AS 19/2011 was also dismissed. The applicant has admitted in his statement on 1.1.2020 before Asst. Supdt. Railway Mail Service that he has used the surname Elika to secure employment. Therefore, based on Principal Jr. Civil Judge order, Rule 14 charge sheet was issued for suppression of information and not on the basis of caste certificate submitted. Further, the personal inquiry done by Mandal Revenue Officer/Tahsildar, Chirala has revealed that the applicant does not belong to the ST community. Hon'ble High Court has not stayed the order of the Principal Jr. Civil Judge. The applicant was given time of one month to submit the caste certificate and though one year has lapsed, he has not submitted. Instead, the applicant has submitted the certificates of his father and brother, which have no relevance. The WP No.21078/2020 relates to a private complaint received by the Collector and

has nothing to do with the observations of the Junior / Senior Civil Judges referred to. Respondents are not a party to the proceedings.

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



7. I. The dispute is about issue of Rule 14 charge sheet when the veracity of the ST caste certificate submitted by the applicant to the respondents is under verification. Applicant approached the Principal Junior Civil Judge, Chirala in OS No. 35/2007 for change of surname from Elika to Melika, which was not only dismissed, but an observation was made that the surname of Elika belongs to Yadava community and therefore, applicant belongs to BC community. The Appeal filed before the Senior Civil judge was dismissed. This resulted in a Second Appeal No.1636/2018 before the Hon'ble High Court, which is pending adjudication. Besides, based on a complaint received, the District Collector, Prakasham has initiated the verification process by issuing a show cause notice. Aggrieved, applicant approached the Hon'ble High Court in WP No.21078/2020 wherein it was directed on 23.11.2020 to reply to the show cause notice. The matter is thus being processed by the District Collector. Respondents, in the meanwhile, have issued Rule 14 charge sheet on 06.01.2021 and the proceedings are on. Applicants prays for setting aside the Rule 14 charge sheet in view of the Hon'ble High Court orders on the issue.

II. It is not in dispute that the applicant has approached the Principal Junior Civil Judge for change of surname from Elika and Melika and that too, after rendering 10 years of service. The observations of the Principal Jr. Civil Judge that the applicant belongs to the BC community and upheld by the Sr. Civil Judge are now under challenge before the

Hon'ble High Court in Second Appeal cited supra. Therefore, when the matter is under challenge before the Hon'ble High Court, it is sub-judice and the respondents issuing the charge sheet is therefore, difficult to appreciate.



III. Further, when the District Collector, Prakasham has issued show cause notice to the applicant in regard to his caste, based on a complaint received, the Hon'ble High Court in WP No.21078/2020 has directed the applicant to reply to the show cause notice and the matter is now pending with the District Collector. Till the genuineness or otherwise of the certificate is established as per Rules prescribed under the AP (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and due process of law, the applicant continues to belong to 'ST' community. More particularly when the Second Appeal against the observations of the Principal Jr. Civil Judge, Chirala as confirmed by the Sr. Civil Judge are under adjudication before the Hon'ble High Court and the process of verification of the caste certificate has commenced as per the direction of the Hon'ble High Court in WP No.21078/2020. Therefore, in these circumstances, issue of the Rule 14 charge sheet on the ground of suppression of information is premature. When the question is raised as to what information has been suppressed, it boils down to the caste certificate which is under process due to the judicial developments referred to above. Hence proceeding with the Rule 14 charge sheet at this stage is premature.

IV. When the matter is under investigation by the District revenue authority it would take time for the applicant to re submit a fresh certificate. Dictating a time period in the given circumstances may not be fair.



However, to comply with the orders of the respondents, applicant has submitted the certificates of his father and brother, which he had readily, more as a circumstantial evidence. In a family, usually different members would not have different castes. However, respondents have to await the outcome of the orders of the State Govt/ judicial fora in the matter as referred to above. Statement given by the applicant before the ASP (PF) would be a part of the investigation process and judicial scrutiny. However, before the process could be completed, the respondents have jumped the gun. When the orders of the Hon'ble High Court are in vogue, they have to be carefully followed. Law requires every fact of relevance to be evaluated before a final view is taken. Indiscretion has no place in law. Other averments made by the respondents have been gone through and found them to be irrelevant.

V. In view of the aforesaid circumstances, the respondents are directed to defer further action in the Rule 14 charge sheet issued on 6.1.2021 till the validity of the caste certificate of the applicant is decided as per relevant rules under the Act cited supra, in accordance with due process of law and keeping in view the orders that may be issued by the Hon'ble High Court while disposing Second Appeal referred to above.

With the above directions, the OA is disposed of with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

evr

(ASHISH KALIA)
JUDICIAL MEMBER