

(2)

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

ORIGINAL APPLICATION NO. 595 OF 2007
ALLAHABAD THIS THE 7th DAY OF June 2007.

Hon'ble Mr. Justice Khem Karan, V.C.

Hon'ble Mr. P.K. Chatterji, A.M

Hemant Prasad, aged about 38 yers, son of Shri Kashi Nath Ram,
R/o Care of Shri Tahar Singh Gaur, Ram Rekha Bhawan, House
NO. 258, Tansen Nagar, Gwalior (M.P).

.....Applicant

(By Advocate: Sri R. Verma)

VERSUS

1. Union of India through the General Manager, North Central Railway, Nawab Yusuf Road, Neer Jeep Flashlight, Allahabad.
2. The Chief Workshop Manager, Rail Spring Karkhana, North Central Railway, Sithouli, Gwalior.
3. The Chief Personnel Officer, North Central Railway, Sangam Place, Civil Lines, Allahabad.
4. The Assistant Personnel officer, Rail Spring Karkhana, North Central Railway, Sithouli, Gwalior.
5. Lal Singh Bainada, Assistant Personnel officer, Rail Spring Karkhana, North Central Railway, Sithouli, Gwalior.

.....Respondents

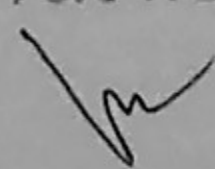
ORDER

Justice Khem Karan, V.C.

Heard Sri R. Verma, learned counsel for the applicant on this O.A.

2. Applicant is aggrieved of letter dated 4.1.2007, by which he has been permitted to apply for the post of J.E.-II(Sig./Tele) against notification No. 2/2006 issued by RRB Allahabad, with a further information that benefit of S.T. category will only be extended subject to verification of genuineness of S.T. certificate, which is already under investigation.

3. What Shri R, Verma submits is that so long as the caste certificate holds good and is not cancelled by the Authority, competent to do so, the respondents are not free to ignore it or not to give the benefit of caste, indicated in the caste certificate. Learned counsel has tried to support his contention by referring to *R. Kandasamy Vs. Chief Engineer, Madras Port Trust, 1997*



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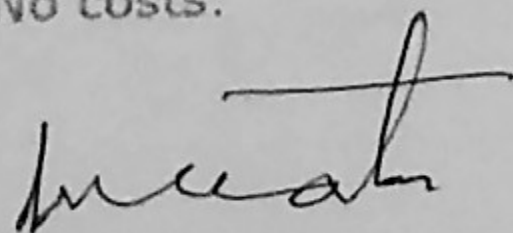
2.

S.C.C (L&S) 1825, R. Vasu [(1990) 12 Administrative Tribunals Cases 278] and Chunni Lal Vs. Union of India and others, 2000 (3) A.T.J 305. It has been observed in these cases that though the Appointing Authority has right to examine the genuineness of certificate but so long as the certificate holds the field and is not cancelled, they have no right to ignore it or not give the benefit of that caste certificate.

4. Shri R. Verma has taken the Tribunal through the various documents annexed to the O.A., so as to show that when the matter has already been verified at the instance of respondents, there is no justification for saying that benefit of S.T. category will be extended subject to verification of the genuineness of S.T. certificate. Letter dated 18.12.2006 (Annexure A-18) written by Office of Chief Workshop Manager, Gwalior to the District Magistrate Baxer (Bihar) reveals that the matter relating to issuance of ST certificate to the applicant and others is still to be verified from the District Magistrate as according to the Authority concerned, previous verification report was contradictory.

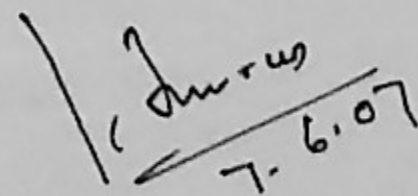
5. We think, the Appointing Authority has right to examine the genuineness of the caste certificate and the same is under way as stated in the impugned letter. The applicant need not entertain any apprehension that he will not be given the benefit of that category, if investigation goes in his favour. We think that the Authority concerned will get the matter investigated as regards the genuineness of certificate, before process of selection is finalized. There is no point in entertaining this O.A. at this stage, so it is not admitted but with the observation made above.

No costs.



Member-A

Mansih/-



7-6-07

Vice-Chairman