

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.485/96

Thursday this the 2nd day of May, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.N.Vijayakumaran,
Telecom Office Assistant (P)
Grade II, Auto Exchange,
Palakkad. Applicant

(By Advocate Mr. N. Nagaresh)

Vs.

1. Telecom District Manager,
Palakkad.
2. Divisional Engineer (Administration)
Office of the Telecom District Manager,
Palakkad.
3. Union of India, represented by
its Secretary to Government,
Ministry of Communications,
New Delhi. Respondents

(By Advocate Mr. James Kurien, ACGSC)

The application having been heard on 2nd May, 1996
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges A5 order by which the
Divisional Engineer asked him to 'produce fresh community
certificate from the Tahsildar'. The reason which
persuaded the Divisional Engineer to write this letter
is:

"....it is seen that you belong to Thandan
community-SC and original entry in your
service book was corrected to read as
"Thandan-scheduled caste"....Since there is
controversy regarding the status of this
community....you are hereby directed to
produce fresh community certificate...."

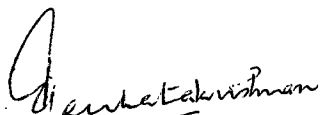
contd....2

2. It is not known what the controversy is, who raised it, whether it is acceptable and so on. On such vague premises public officials are not justified in making demands of this nature. That is more so, when as pointed out by the learned counsel for applicant the community in question has been declared to be 'scheduled caste' by the decision of the Supreme Court in Palghat Jilla Thandan Samudhaya Samrakshana Samithi and another Vs. State of Kerala, 1994(1) KLT 118. At any rate nobody can create a controversy about the correctness of a decision of the highest constitutional court in the country. We find that applicant has made A6 representation against A5 order and that it is pending consideration before respondent District Manager, Telecom, Palakkad. The said respondent will take a decision on the representation bearing in mind the decision of the Supreme Court in question.

3. Standing counsel submits that he will forward a copy of the original application and a copy of this order to first respondent for compliance. We record the submission.

4. Original application is disposed of as aforesaid. No costs.

Dated the 2nd day of May, 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A5: True copy of the letter No.Q-463/130 dated 27.10.1995 of the 2nd respondent.
2. Annexure A6: True copy of the representation dated 17.11.1995 submitted to the 1st respondent.

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