

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.92/94

Thursday, this the 18th day of August, 1994

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

KK Velayudhan, Assistant Engineer,
Light House Department, Cochin-20.

....Applicant

By Advocate Shri MR Rajendran Nair.

Vs.

1. The Director of Light House and
Light Ships, Cochin-20.
2. The Director General of Light House
and Light Ships, New Delhi.
3. Union of India represented by Secretary,
Ministry of Surface Transport,
Transport Bhawan, New Delhi.
4. AB Saha, Assistant Engineer,
Department of Light House and Light Ships,
6, Chappel Road, Calcutta-20.
5. Ovinder Singh, Assistant Engineer (Civil),
Department of Light House and Light Ships,
Sathyam Sivam Sundaram Road, Ghatcoper, Bombay.

....Respondents

R.1-3 by Shri TPM Ibrahim Khan, Addl Central Govt Standing Counsel

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant, who claims to be member of a Scheduled Caste, challenges the communal status granted to fourth respondent as member of a Scheduled Caste. According to him, fourth respondent is a pretender and not a real Scheduled Caste official. But, he was treated as belonging to a Scheduled Caste known as 'Sunri'. By Annexure III, Government of India took the view that:

"...the scheduled caste certificate produced by

contd.

Shri AB Saha (4th respondent) as belonging to Sunri community is not a valid document and cannot be accepted."

(Emphasis added)

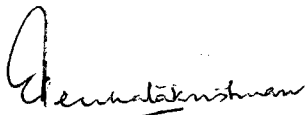
On the strength of this, applicant moved the Government of India time and again to cancel the promotion granted to fourth respondent on the assumption that he was member of a Scheduled Caste. By Annexure X dated 10.3.93, the Government informed applicant that the matter was under consideration.

2. Central Government Standing Counsel has now produced a certificate, issued by an officer of the West Bengal Government, relating to the status of members belonging to the sub caste 'Sunri', excluding 'Saha'.

3. We do not think we need go into these niceties and decide whether 'Saha' could be 'Sunri', or vice versa. What matters is that the Government of India have held in Annexure III that the caste certificate produced by fourth respondent is not a valid document and cannot be acted upon. If that is the position, fourth respondent cannot hold the post in question. However, we are not expressing a final view, as the Government of India are examining the matter. They will take a decision in the matter with notice to fourth respondent and applicant within four months from today, and communicate the decision to applicant and fourth respondent.

4. Application is allowed to the extent aforesaid. No costs.

Dated the 18th August, 1994.



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure III - True copy of the letter No.12025/2/1989-SCD(R.Cell), dated 30.11.89 issued by Y.P. Marwaha Research Officer, Ministry of Welfare, SCD DIVN., to the Dept. of Light Houses & Light Ships, East Block.10, R.K. Puram, New Delhi - 110 066.
2. Annexure X - True copy of the letter No.1-3/146/81-Estt. dated 10.3.1993 issued by B.R. JANI, Director(R) (1st Respondent) to the applicant.

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