

CENTRAL ADMINISTRATIVE TRIBUNAL

MADRAS BENCH

Application Nos. OA-K 29/87 and OA 228/87

K. Sudali Ammal : Applicant in
OA-K 29/87

Versus

- | | | |
|----------------------------|---|----------------|
| 1. General Manager, Tele- | X | |
| communications, Kerala | X | |
| Circle, Trivandrum. | X | |
| 2. Director General, Dept. | X | |
| of Telecommunications, | X | Respondents in |
| New Delhi. | X | OA-K 29/87 |
| 3. N. Sarasamma, Section | X | |
| Supervisor (Operative), | X | |
| Office of GM, Telecommu- | X | |
| nication, Trivandrum. | X | |

N. Sarasamma : Applicant in
OA 228/87

Versus

- | | | |
|----------------------------|---|----------------|
| 1. General Manager, Tele- | X | |
| communications, Kerala | X | |
| Circle, Trivandrum. | X | |
| 2. Director General, Dept. | X | Respondents in |
| of Telecommunications, | X | OA 228/87 |
| New Delhi. | X | |
| 3. K. Sudali Ammal, Upper | X | |
| Division Clerk, Office | X | |
| of GM, Telecommunications, | X | |
| Trivandrum. | X | |

M/s C.K. Sivasankara Panicker and : Counsel for appli-
K.S. Radhakrishnan cant in OA-K 29/87

Shri K.R.B. Kaimal : Counsel for applicant
in OA 228/87

Shri P.A. Mohamed, ACGSC : Counsel for respondents
both in OA-K 29/87 and
OA 228/87

CORAM:

Hon'ble Shri S.P. Mukerji, Administrative Member

Hon'ble Shri G. Sreedharan Nair, Judicial Member

Handwritten signature

ORDER

(Pronounced by Hon'ble Shri G. Sreedharan Nair)

These applications were heard together.

2. Both the applicants are Upper Division Clerks in the office of the General Manager, Telecommunications, Kerala Circle, Trivandrum. The post of Section Supervisor(supervisory) is a promotion post for the Upper Division Clerk. It is alleged in application OA 228 that a vacancy in the post is to arise on 1-4-1987, but it is on a point reserved for Scheduled Caste (carried forward vacancy) as per the roster of reservation. The applicant in OA 228 has filed this application for a direction to the first respondent to promote her in that vacancy. She has alleged that ^{are} steps ~~were~~ being taken to promote the applicant in OA-K 29 on the premise that she belongs to scheduled caste. It is alleged that she actually does not belong to the scheduled caste and it is prayed that she be not treated as a member of scheduled caste and promoted on that basis.

3. In the reply filed by the respondents 1 and 2 in OA 228 it is stated that the applicant in OA-K 29 was selected for appointment in the year 1966 based on the community certificate that she belonged to the

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2 ... 3

scheduled caste, but her case was reexamined on complaint when it was found that she does not belong to the scheduled caste and hence a notice has been issued to her for reclassification of her status.

4. OA-K 29/87 has been filed on receipt of that notice. The prayer therein is to direct the second respondent not to effect the reclassification and to treat her as belonging to the scheduled caste.

5. The controversy relates to the rival claim of the applicants for promotion to the post of Section Supervisor (supervisory) in the vacancy that arose on 1-4-1987. Admittedly it is a carried forward vacancy reserved for scheduled caste. The applicant in OA 228 does not belong to the scheduled caste. The applicant in OA-K 29 claims that she belongs to the scheduled caste, as she is a member of the Panan community. She relies on the circumstance that she has been appointed treating her as belonging to the scheduled caste. It appears that on the complaint of the applicant in OA 228 the General Manager, Telecommunications, Kerala Circle has issued a Memo to the applicant in OA-K 29 pointing out that as she does not belong to the Kanyakumari district or to the Senkotta Taluk of Tirunelveli district, she cannot claim to be a member of the scheduled caste according to the

Scheduled Caste and Scheduled Tribes (Amendment) Act, 1976. She has been asked to submit her representation, if any, regarding the matter.

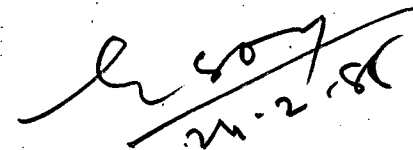
6. The applicant in OA-K 29 belongs to the Panan community and has secured appointment as a member of the scheduled caste. According to the Scheduled Caste and Scheduled Tribes (Amendment) Act, 1976 only Panas^v of Tamil Nadu, and that too of Kanyakumari district and Senkotta Taluk of Tirunelveli district are recognised as members of scheduled caste. As such when it was brought to his attention that the applicant in OA-K 29

does not actually belong to the Scheduled Caste ^{The}
General Manager
cannot be faulted for having issued the Memo dated 3-4-1987 about the proposal to reclassify her status.

At this stage we cannot issue a direction as prayed for by the applicant in OA-K 29 to direct the second respondent not to reclassify her status. It is open to the applicant in OA-K 29 to submit her representation pursuant to the Memo dated 3-4-1987, in case she has not submitted the same, within a period of two weeks from the receipt of a copy of this order. If any such representation is filed the respondents 1 and 2 in OA-K 29 will duly consider the same and dispose^{it} of within a period of one month from the date of its receipt.

7. As regards OA 228 we cannot issue a direction to the first respondent therein to promote the applicant in that case to the vacancy of Section Supervisor (supervisory) that has arisen on 1-4-1987. The filling up of that vacancy shall be done in accordance with the relevant rules, and after the disposal of the representation, if any, from the applicant in OA-K 29.

8. These applications are allowed as above.



(G. Sreedharan Nair)
Judicial Member
24-2-1988



(S.P. Mukerji)
Administrative Member
24-2-1988

Index : ~~YES~~ / NO