

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

TODAY THE THIRTEENTH NOVEMBER, 1986

Present: Hon'ble Shri Ch Ramakrishna Rao - Member (J)
Hon'ble Shri LHA Rego - Member (A)

APPLICATION NO. 1252/86

Shri Hanumanthappa,
S/o Adyappa Waddar,
Age major, Occ: Guard-'C' Grade,
South-Central Railway,
Gadag Station,
Gadag, Dharwar Dist. ... Applicant

(Shri S.R. Bannurmath ... Advocate)

Vs.

1. The General Manager,
South Central Railway,
Secunderabad,
Andhra State.
2. The Divisional Railway Manager,
South-Central Railway,
Hubli Division, Hubli,
Dharwar District.
3. Sri A.Narasimhulu,
age major, Occ: Guard 'A',
South-Central Railway,
Gadag, Dist: Dharwar.
4. Sri M.Venkataiah,
age major, Occ: Guard 'A',
South-Central Railway,
Gadag, Dist: Dharwar. ... Respondents

(Shri M.Sreerangaiah Advocate)

This application has come up for hearing
before Court today. Member (J) made the following:-

...2/-

This application was initially filed as a writ petition in the High Court of Karnataka and subsequently transferred to this Tribunal. The facts giving rise to the application are as follows:-

2. The applicant was working as Guard 'C' in the South Central Railway (SCR) at Gadag. His case for promotion to the higher post in B Grade against the quota reserved for Scheduled Castes (SCs) was not considered in 1977 as the Divisional Railway Manager (SCR) (DRM - Respondent no. 2) issued a communication to the applicant (Annexure H) stating that 'Wadde' caste cannot be treated as equivalent to 'Bhovi', which falls under the scheduled castes(sc). Aggrieved by this order, the applicant has filed this application.
3. Shri S.R.Bannurmath, learned counsel for the applicant, submits that the order passed by DRM runs counter to the certificate issued by the Tahsildar, Gadag (Annexure A) dated 26.11.81 and no reason has been assigned in the order at Annexure H for disbelieving the contents of the aforesaid certificate. Shri M. Sreerangaiah, learned counsel for the respondents 1 and 2 submits that after due enquiry ^{respondents} being made, the L were satisfied that the applicant was not entitled to promotion against the quota reserved for SCs.

4. We have considered the rival contentions carefully.

We hold that, if respondents 1 and 2 were not prepared to accept the certificate at Annexure A, they should have referred the matter to the authority who issued the same or any other competent authority in that behalf; that the applicant should have been apprised of the material so obtained and after affording an opportunity of oral hearing to the applicant to represent his case in the matter, the respondents should have passed the order. Viewed in this light, the order at Annexure H is opposed to the rules of natural justice which enjoin on the respondents the duty to hear the applicant before issuing a communication of the type at Annexure H. We therefore quash the impugned order (Annexure H). Respondents 1 and 2 are however at liberty to hold an enquiry in the light of the observations made in the foregoing and in accordance with law.

5. In the result, the application is allowed as indicated above. No order as to costs.

C. Hanumanthu

MEMBER (J)

RL S A
MEMBER (A)
13. 11. 1980

SR