

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 18th DAY OF FEBRUARY 1987

Present : Hon'ble Shri Ch.Ramakrishna Rao Member(J)

Hon'ble Shri L.H.A.Rego Member(A)

APPLICATION No.1404/86(T)

M.Krishnamurthy,  
Skilled Artisan,  
T.NO.828, Blacksmithy Shop,  
Southern Railway Workshop,  
Mysore.

...

APPLICANT

( Shri Ravivamma Kumar

... Advocate )

V.

Works Manager,  
Southern Railway Workshop,  
Mysore.

The General Manager,  
Southern Railway,  
Madras.

Pampanna,  
Highly Skilled Grade I,  
Blacksmithy Shop,  
T.No.893, Southern Railway  
Workshop, Mysore.

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RESPONDENTS

( Shri H.S.Lingaraju

... Advocate )

This application has come up before the court today. Hon'ble Shri Ch.Ramakrishna Rao, Member(J) made the following :

ORDER

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

2. The applicant is a Skilled Artisan in Blacksmithy shop, Southern Railway, Mysore. He belongs to Nayaka community which is declared as a Scheduled Tribe(ST) in the State of Karnataka.

*Cst*

The applicant made an application before the Tahsildar, Mysore Taluk, who is the competent authority to certify that the applicant belongs to ST. The Tahsildar issued a certificate to the effect that the applicant belonged to Nayaka Community, which is ST. The applicant gave the said certificate to the Works Manager (R1) seeking acceptance of the certificate and consideration of his claim for promotion to the next higher cadre under the quota reserved for ST. However, R1, without accepting the certificate, referred the matter to the District Magistrate, Mysore for verification of the claim made by the applicant, who confirmed the genuineness of the claim of the applicant and recommended acceptance of the certificate. However, the name of the applicant has not so far been considered for promotion under the reserved quota for ST. By an order dated 7.2.1983(Annexure-A), R1 has withdrawn all the facilities, which the applicant was granted as a member of ST. The case of the applicant was not considered for promotion in view of this order. Aggrieved by the action of R1, the applicant has filed this application.

3. Sri Ravi Varma Kumar, learned counsel for the applicant, contends that R1 should have acted on the certificate produced by his client, which was issued by the competent authority.

4. Sri H.S.Lingaraj, learned counsel for the respondents, invites our attention to the statement contained in the order at Annexure A, from which it appears that the same was issued after referring the matter to the Director of Scheduled Caste & Scheduled Tribes, Welfare in Karnataka(Director, for short), Bangalore and, as such, the action of R1 is not open to challenge.

4. We have considered the rival contentions carefully. In our view, the applicant having produced a certificate from a competent authority, R1 should have made available to the applicant

the communication received from the Director so that the applicant would have had an opportunity to submit his representation to R1 on the points made out by the Director. It is not known whether R1 had specifically referred the certificate produced by the applicant to the Director nor is it known whether R1 requested the authority, which issued the certificate, for verification of its contents and confirmation of the correctness of the contents of the certificate in the light of the communication received from the Director. These formalities should have been observed by R1 before issuing the order (Annexure-A), in compliance with the principles of natural justice, which envisage~~d~~ an opportunity *not* being given to the affected person to make his representation before any action is taken prejudicial to him.

5. We, therefore, set aside the order (Annexure-A) *and he is at liberty* and if R1 so desires, *to* issue a notice to the applicant taking into account the legal position enunciated above and after affording an opportunity to the applicant to make a representation both written and oral pass, an order afresh within a period of three months from the date of receipt of this order. The applicant is at liberty to approach this Tribunal if he feels aggrieved by the order, if any, passed by R1.

6. In the result, the application is disposed of, subject to the ~~xxxx~~ directions given above. No order as to costs.

*Chandrasekhar*  
MEMBER (J) 18.2.87

*[Signature]*  
MEMBER (A) 18.2.87

AN.