

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 12th NOVEMBER 1986

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

APPLICATION Nos. 164 to 166 of 1986

1. M. Sampathkumar
Head Clerk
Office of the Commissioner for Regional
Provident Fund, 8, Rajaram Mohanray Road,
Bhavishya Bhavan, Bangalore
 2. T.S. Laxmappa
Head Clerk, Office of the Commissioner
for Regional Provident Fund,
8, Rajaram Mohanray Fund,
Bhavishya Bhavan, Bangalore
 3. K. Ramakrishna
Provident Fund Inspector
Office of the Provident Fund Officer,
Hubli
(Shri M.R.Achar, Advocate)
- Applicants
- and
1. The Commissioner for Regional Provident Fund
Bhavishya Bhavan, Rajaram Mohanray Road,
Bangalore
 2. Union of India represented by its
Secretary to the Department of Social Welfare,
New Delhi
(Sri M.V. Rao, Advocate)
- Respondents

These applications came up for hearing
before this tribunal and the Hon'ble Member (J), Sri
Ch. Ramakrishna Rao, to-day made the following

ORDER

These applications were initially filed as writ petitions in the High Court of Karnataka. Subsequently, they were transferred to this tribunal.

2. The facts giving rise to the applications are as follows: The applicants are working in the office of the first respondent in diverse capacities. They produced three caste certificates, copies of which have been annexed as enclosures F, F1 and F2 to the applications respectively. It appears from the certificates that the applicants belong to Beda (Nayaka) caste which is classified as Schedule Tribe (ST, for short). It appears from the certificates produced by the first and the third applicants, that they belong to Beda (Nayaka) caste, while from the certificate produced by the second applicant it appears that he belongs to Nayaka community. These castes are recognised as ST as stated in the certificates. When the applicants' turn came for promotion, the first respondent instead of acting on the caste certificates, of the applicants rejected their claim on the ground that Beda (Nayaka) is not a segment of Nayaka community. Aggrieved by this action of the first respondent, the applicants have filed these applications.


3. Shri M.R. Achar, learned counsel for the applicants submits that the first respondent should have acted on the basis of the caste certificates produced by the applicants and he has no jurisdiction to decide whether such a certificate is legally valid or genuine. Shri N. Basavaraju, learned counsel for the respondents, on the other hand,

...submits

submits that the first respondent was justified in making an independent enquiry and acting on the basis of such enquiry.

4. We have considered the matter carefully. The first respondent, undoubtedly, has the right to verify the correctness or otherwise of the caste certificates produced by the applicants. But, in so doing, he is bound by the principles of natural justice which enjoin ^{the obligation} upon him to disclose to the applicants, the material collected against them and afford an opportunity to represent against the same, if they so desire. Further, it is expected ~~of~~ the first respondent to verify from the authorities who issued the certificates about the correctness and genuineness of the same and act on the basis of such verification. In this connection ^{we may refer to the} ruling of this tribunal in Applications Nos. 279 of 1986 and 850/86(T). ~~xxxxxx~~. In the light of the foregoing, we set aside the orders of the first respondent at enclosures K, L & M to the applications. We also direct the first respondent to inquire into ^{the} matter ~~xx~~ afresh, after ~~in the light of the above and in accordance with law~~ giving an opportunity to the applicants to present their case personally, if they so desire.

5. In the result the applications are allowed to the extent indicated above. No order as to costs.


Member (J)


Member (A)(R) 12.12.88