

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

REGISTERED

APPLICATION No. 52/87 (F)

(WP.NO.)

COMMERCIAL COMPLEX, (BDA)  
INDIRANAGAR,  
BANGALORE-560 038.

DATED: 24/6/87

APPLICANT

Vs

RESPONDENTS

V. Shivanna

Divisional Personnel Officer,  
S.Rly, Bangalore & Others.

TO

1. Shri V. Shivanna, S.No.EMT 992,  
Travelling Ticket Examiner,  
S.Railway, Bangalore Division,  
Bangalore.
2. Shri A.M. Surya Prakash,  
Advocate, 15, 5th Main Road,  
Okalipuram, Srirampuram,  
Bangalore-560 021.
3. The Divisional Personnel Officer,  
Southern Railways, Bangalore.
4. The Divisional Railway Manager,  
Southern Railway, Bangalore.
5. The Divisional Personnel Officer  
Southern Railway  
Mysore

- 6.. Divisional Railway Manager,  
Southern Railway,  
Mysore.
- 7.. Shri A.N. Venugopal,  
Central Govt.Standing Counsel,  
High Court of Karnataka Buildings,  
Bangalore-560 001.

*James*  
*25/6/87*  
SUBJECT: SENDING COPIES OF ORDER PASSED BY THE  
BENCH IN APPLICATION NO. 52/87(F)

....

Please find enclosed herewith the copy of the Order  
passed by this Tribunal in the above said Application on  
18-06-1987

*(7)*  
*Received copy*  
*James*  
*25/6/87*  
*For Mr. R. S. R.*  
*cc*  
*6/c*  
ENCL: As above.

*R. S. R.*  
SECTION OFFICER  
~~XXXXXXXXXXXX~~  
(JUDICIAL)

*Please*  
*issue to all*  
*24/6/87*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 18TH DAY OF JUNE, 1987

Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
Present: and  
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO.52/87

Shri V. Shivanna,  
Travelling Ticket Examiner,  
Staff No. EMT 992,  
Southern Railway,  
Bangalore Division,  
Bangalore.

.... Applicant

(Shri A.M. Suryaprakash, Advocate)

v.

1. The Divisional Personnel Officer,  
Southern Railway,  
Bangalore.
2. The Divisional Personnel Officer,  
Southern Railway,  
Mysore.
3. The Divisional Railway Manager,  
Southern Railway,  
Bangalore.
4. The Divisional Railway Manager,  
Southern Railway,  
Mysore.

.... Respondents.

(Shri A.N. Venugopal, Advocate)

This application having come up for hearing to-day,  
Vice-Chairman made the following.

O R D E R

In this application made under Section 19 of the  
Administrative Tribunals Act, 1985 ('the Act') the  
applicant has sought for a direction to the respondents  
to recognise him as a member of a Schedule Tribe (ST)  
called Nayaka from 19.9.1979 instead of from 17.6.1984.

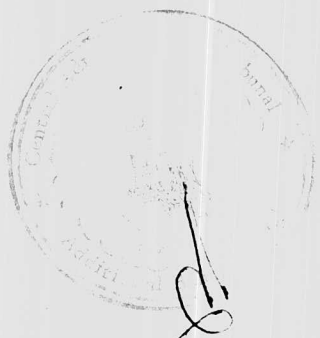


2. When the applicant joined service in the Indian Railways, the community to which he belonged viz. Nayaka was not recognised as an ST. But in an amendment made by the Parliament in 1979, 'Nayaka' community was recognised as an ST. On that basis, the applicant claims that he made an application on 19.9.1979 with the necessary certificate to recognise him as a member of a ST. But the respondents, taking the view that his first application was made on 16.8.1984, have recognised him as a member of a ST from 17.8.1984. Hence this application.

3. While the applicant, asserts that he made an application on 19.9.1979, the respondents <sup>I have it</sup> asserted that the very first application was only made by him on 16.8.1984 and therefore the order made by them recognising him as a member of a ST from 17.8.1984 was in order.

4. Shri A.M. Surya Prakash, learned counsel for the applicant, contends that the evidence on record establishes that his client made his application on 19.9.1979, he should have recognised as a member of ST, from that very very date.

5. Shri A.N. Venugopal, learned counsel for the respondents, contends that the very first application by the applicant was made on 16.8.1984 and the recognition granted to him from 17.8.1984 was legal and valid.



6. In his application, the applicant has asserted that he made an application on 19.9.1979 to recognise him as a member of the ST. But in their reply, the respondents have asserted that the very first application was made by the applicant only on 16.8.1984. The reply filed by respondents is verified by one Sri Dharmalingam, Divisional Personnel Officer, Southern Railway, Bangalore. We should normally accept the responsible statement made by the respondents, rather than the interested say of the applicant. When once we accept the statement made by the respondents then the very first application was made by the applicant only on 16.8. 1984, and their recognition from 17.8.1984 is in order.

7. We have also examined the original records placed before us. We are satisfied from their examination that the very first application was made by the applicant only on 16.8.1984 and not on 19.9.1979 as asserted by him. In this view the order made by the competent authority recognising the applicant as a member of ST from 17.8.1984 does not suffer from any infirmity to justify our interference.

8. In the light of our above discussions, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-

Vice-chairman

Sd/-

Member (A) 18/6/87

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

BANGALORE

Gr/Mrv.

-True Copy-