

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 1ST DAY OF APRIL, 1987.

Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman

Present: Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO.189 OF 1987

Shri Y.H. Ravishankara,

S/o Y.H. Hanumantha Nayaka

... Applicant

(Shri Ravi Varma Kumar, Advocate)

v.

The Telecom District Engineer,

Bidadi Block,

Palace Compound,

Mysore.

... Respondent

(Shri M. Vasudeva Rao, ACGSC)

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

ORDER

In this application made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act'), the applicant has sought for a direction to the respondent to give him an appointment and posting order on the basis of his selection to the post of 'Telephone Operator' (operator) made by the competent authority.


2. The applicant who claims to be a member of a Scheduled Tribe ('ST') called 'Nayaka' has been selected on 15.6.1984 for the post of a 'Operator' by the competent

authority (Annexure A-1). On the basis of that selection, the applicant has completed the training also. But notwithstanding the same, the respondent, who is the appointing authority, had not given an appointment and posting to the applicant. Hence this application.

3. Shri Ravi Varma Kumar, learned counsel for the applicant, contends that as long as the selection of the applicant as a member of 'ST' stands, the respondent was bound to give him an appointment and posting with expedition.

4. Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for the respondent, contends that the status claimed by the applicant, viz., that he was a member of a ST called 'Nayaka' was being investigated by the authorities and till that investigation was completed, the applicant cannot lay claim for appointment. He submits that the investigation would be done with expedition and in any event within a period of four months from this day.

5. Before making an appointment the appointing authority has the power to investigate into the truth or otherwise of the status claimed by the applicant. In this view, the respondent or the other competent authority



is competent to investigate the truth or otherwise of the status claimed by the applicant and decide on the same. As to how the same should be decided has been indicated by us in S.S. BARKER v. DIRECTOR OF POSTAL SERVICES (A.No.279/86 decided on 14.10.1986). In this view, it is necessary to grant the request made by Shri Rao.

6. In the light of our above discussion, we permit the respondent or the other competent authority to complete the investigation into the status claimed by the applicant and issue such orders as is found necessary in that behalf.

7. All questions raised by both sides are left open.

8. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

*M. S. Dhanraj*  
Vice-Chairman 1/14/87

*P. S. ...*  
Member (A). 1/14/87

dms/Mrv.