

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 31 JAN 1994

APPLICATION NO(s) 748 of 1993.

APPLICANTS: Anke Narayana

v/s. RESPONDENTS: Asstt. Engineer, South
Central Railway, Gadag and others.

TO.

*Need a copy
3/2/94*

1. Sri.C.Krishna, Advocate,
No.25,G-Sixth Street,
Ulsoor, Bangalore-8.
2. The Assistant Engineer,
South Central Railway, Hubli.
3. Divisional Engineer(East),
Divisional Office, Personnel Branch,
South Central Railway, Hubli.
4. The Divisional Manager,
South Central Railway, Hubli.
5. Sri.A.N.Venugopal Gowda,
Advocate, No.8/2, Upstairs,
R.V.Road, Bangalore-4.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-XXX-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 20-01-1994.

Issued on
8/2/94

Deepti
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

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CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.748/93.

THURSDAY THIS THE 20TH DAY OF JANUARY, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI V. RAMAKRISHNAN ... MEMBER (A)

Anke Narayana,
C/o. P. Dana Karna,
Stores Department,
Deccan Herald/Prajavani,
M.G. Road, Bangalore-560 001. ... Applicant

(By Advocate Shri C. Krishna)

Vs.

1. Assistant Engineer,
South Central Railway,
Gadag.
2. Divisional Engineer (East),
Divisional Office, Personnel Branch,
S.C. Railway, Hubli.
3. Sr. Divisional Engineer (Co-ord.),
Divisional Office, Personnel Branch,
S.C. Railway, Hubli. ... Respondents

(By Advocate Shri A.N. Venugopal)

O R D E R

Shri Justice P.K. Shyamsundar, Vice Chairman.

We have before us a Khalasi who was appointed in the substantive capacity in the year 1978, but, nonetheless has lost his job 13 years later by an order dated 4.11.1991 as per Annexure-A. It is common ground that the applicant sought and obtained the post of Khalasi in the South Central Railway which is the chief respondent herein based on a caste certificate issued by the Tahsildar of Kadiri. (At this stage, Shri A.N. Venugopal, the learned standing counsel for the Railways states we should say the certificate

said to have been issued by the Tahsildar). But, some 9 years later, in the year 1987, the Railway authorities began an enquiry against the applicant alleging that he has produced a false certificate under which he has purportedly treated as belonging to the S.T. though he was not a member of the S.T. The indictment issued to the applicant on the foregoing lines is embodied in a charge which is reflected from the records of the enquiry authority produced before us by Shri A.N.Venugopal.

Answers-1

"Statement of Articles of charge framed against
Shri Anka Narayana, Ty. Khalasi under IOW/GDG.

Shri Anke Narayana, Ty.Khalasi under IOU/GDG got appointment as Ty.Khalasi under IOU/Gadag by producing false certificate as belonging to Scheduled Tribe and derived un-intended benefits thereon.

Thus, Shri Anke Narayana has violated Rule 3(I) (i) and (iii) of Railway Services(Conduct)Rules, 1966.

Signature Sd/-
Designation Assistant Engineer/
of the compe- GADAG.
tent authority.

ANNEXURE-II

Statement of imputations of mis-conduct or mis behaviours in support of the articles of charge framed against Shri Anke Narayana. Ty.Khalasi, under IDW/GDG.

An employment Notice No.H/P.564/Res)/Spl. of 1977 dated 1.12.1977 was issued from BRM/UBL calling for applications for Class IV Service on Hubli Division from the eligible candidates belonging to Scheduled tribe community only. to wipe out the shortfall of S.T.

In response to the said Notification, Shri Anke Narayana, submitted his application duly enclosing a caste certificate dated 29.12.1977 issued from the Tahasildar, Kadiri Tq. of Anantapur District in Andra-Pradash, stating that he belonged to "VALMIKI" Caste/S.T. Community. The said certificate though not submitted in the required pro-forma accepted provisionally and he was appointed as Khalasi in Grade 196-232 under IDW/Gadag.

Further on verification it is noticed that caste "VALMIKI" is not classified as S.T. in Andra Pradesh except in Agency Tracks, since he hails from Kadari Taluka the Anantapur District of Andhra Pradesh, where the caste "VALMIKI" is not classified as S.T. in the said area and hence the certificate is proved to be false.

Thus, Shri Anke Narayana has violated Rule 3(I)(i) and (iii) of Railway Services (conduct) Rules 1966.

Sd/-
Assistant Engineer/GADAG."

The charges was denied by the applicant who said that he has produced a certificate issued to him by the competent authority, the Tahsildar of Kadiri and therefore not responsible for the production of false certificate. He also make it clear in the representation that he has simply produced the certificate as issued by the Tahsildar and not made any alterations. The explanation of the applicant is produced at Annexure-K. At the enquiry, steps were not taken to summon the Tahsildar who had issued the caste certificate. The original certificate itself is before us and it does look to our eyes that it has not suffered any doctoring as alleged. At any rate, if the certificate is suspected to have been altered by the applicant, the best evidence would have been that of an handwriting expert and the least that could have been done is to summon the author of the certificate, viz., the Tahsildar, who had issued the certificate. The Valmiki caste, to which the applicant admittedly belonged is treated as S.T. only in the Agency Track of A.P. and not in the region from which he hailed but that is not the question which is the subject matter of the enquiry. The topic is that the certificate issued by the Tahsildar has been altered or defiled in any manner by anyone including the applicant.

2. What is really amazing is that the indictment which the applicant was called upon to answer is just only one and was of producing a false certificate. But, then the crucifixion of the applicant was not on the ground of producing a false certificate but for producing a certificate which is said to be allegedly tampered or interpolated with. This is not a case with which he stood charged and apparently he was not called upon to answer that charge, but, somehow the course of enquiry meandered into a side track ending up with a finding that the applicant had interpolated the caste certificate. We surely cannot maintain

that finding based on an allegation which did not form the subject matter of the charge which the applicant was asked nor called upon to answer. The position is, on a case said to have been made out although not charged, an order of removal has come to be passed and strangely that order has been upheld on an appeal and in a revision petition, not noticing obviously the error committed by the Disciplinary Authority by the order on which the applicant has not been charged with at all. On this short ground, we feel this application should succeed and it does succeed.

3. This application is allowed and the impugned order is quashed. The respondents are directed to reinstate the applicant with all back wages, arrears of salary, etc., etc. No costs.

Sd-

(V. RAMAKRISHNAN)
MEMBER (A)

Sd-

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY



SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

[Handwritten signature]
35/11/96

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

CONTEMPT PETITION NO.52/1994 IN
O.A.NO.748/93

WEDNESDAY THIS THE 30TH DAY OF NOVEMBER, 1994

MR. V. RAMAKRISHNAN

MEMBER(A)

MR. A. N. VUJJANARADHYA

MEMBER(J)

Anke Narayana,
S/o A. Thppiah,
C/o Denakarna, Stores Deptt.,
Deccan Herald/Prajavani,
M.G. Road,
Bangalore

Petitioner

(By Advocate Shri C. Krishna)

v.

1. Shri Shaik Abdul Qayyum,
Assistant Engineer,
South Central Railway
Gadag

2. Shri D.L. Kulkarni,
Divisional Engineer(East),
Div. Office, Personnel Branch,
South Central Railway,
Hubli

3. Shri Abdul Nasir, IRPS,
Senior Divisional Engineer(Coord),
Divisional Office, Personnel Branch,
South Central Railway,
Hubli

Respondents/
Alleged Contemners

(By learned Standing Counsel)
for Railways, Shri A.N.
Venugopal Gowda

ORDER

MR. A. N. VUJJANARADHYA, MEMBER(J)

Sri A.N. Venugopal file reply.

Shri C. Krishna, learned counsel for
the applicant submits that the applicant has
been issued orders for reporting for duty and

therefore, this contempt petition does not survive. He further submits that the contempt proceedings be dropped. In view of the above, we drop the contempt proceedings and discharge the alleged contemners. Let a copy of this order be handed over to the learned counsel for the applicant.

sd- dm - sd - sd
sd- 301 - sd - sd
MEMBER (J) MEMBER (A)

TRUE COPY

S. P. Borkhade 30.11.96
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

GENERAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

B-683

✓ OA 748/93

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Contempt Petition No.46 of 1996 in

Dated: 9 JUL 1996

Application No. 748 of 1993.

Applicant(s) : Sri. Anke Narayana,

V/s.

Respondents : Sri. Shaik Abdul Qayyum, Assistant Engineer,
South Central Railway, Gadag, and two others.,

To

1. Sri.C.Krishna, Advocate,
No.45, Upstairs,
Old Madras Raod, Ulsoor,
Bangalore-560 009.

2. ~~Sri. An Venugopala Gowda,
Advocate, No.8/2, Upstairs,
R.V.Road, Bangalore-560004.~~

Subject:- Forwarding of copies of the Orders passed by
Central Administrative Tribunal, Bangalore-38
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A copy of the Order/Stay Order/Interim Order,
passed by this Tribunal in the above mentioned application(s)
is enclosed for information and further necessary action.
The Order was pronounced on Third July, 1996.

Shay
Fd Deputy Registrar
Judicial Branches.

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your life. P.

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

ORDER SHEET

C.P.(Civil) Application No. 46 of 1993
IN O AND 746/93

Applicant

Anke Narayana

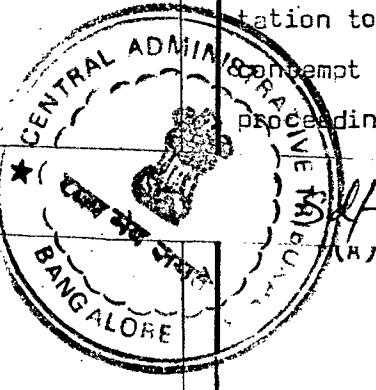
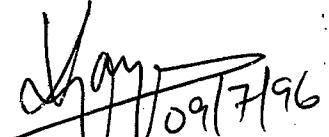
Advocate for Applicant

Sh C Krishna

Respondent

Shri Shaik Abdul Qayyum, Asst. Engr, SC.Rlys,
Gadag & ors

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
		<p>7 e s</p> <p>DPH(VC)/VR(MA) 3.7.96</p> <p>Giving liberty to the petitioner to approach this Tribunal, if he is not satisfied that full ex amount of back wages etc. have been paid inspite of making representation to that effect, we dispose of this contempt petition and drop the present proceedings.</p> <p></p> <p>Sd/-</p> <p>TRUE COPY</p> <p> 09/7/96</p> <p>Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>