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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.407/91 with
MA.689/92, MA.690/92
and MA.691/92

Date of decision : 4-2-1993

Between

M. Ramadevi : Applicant

and

1. Joint Collector & Addl.
District Magistrate
RR District, Lakdikapul
Hyderabad

2. Director of Tribal Welfare
Telugu Samkshema Bhavan
Masab Tank, Hyderabad

3. Dy. Chief Accounts Officer(G)
FA & CAO's Office, SC Railway
Rail Nilayam, Secunderabad

4. Dy. Financial Adviser, and
Chief Accounts Officer(Constrn.& Survey)
FA & CAO's Office, SC Railway
Rail Nilayam, Secunderabad : Respondents

Counsel for the applicant : GVRS Vara Prasad, Advocate

Counsel for the respondents : D. Panduranga Reddy, Standing
No.1&2 Counsel for AP State

Counsel for the respondents : N.V. Ramana, Standing Counsel
No.3&4 for Railways

CORAM :

HON. JUSTICE MR. V. NEELADRI RAO, VICE-CHAIRMAN

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

Judgement

(Orders as per Hon. Justice Mr. V. Neeladri Rao, Vice-Chairman)

The applicant herein joined service as Junior Stenographer
in Railways in ST quota on 15.3.82. At the time of applying for
the post of Junior Stenographer in ST quota, ^{she filed} ~~the~~ community

Certificates dated 12-5-80 and 18-8-81 issued by Deputy Secretary to Government, Andhra Pradesh, State Government and Tahsildar Vallabha Nagar respectively. She was promoted as Senior Stenographer in December, 1992. M.R.O. Malkagiri also issued community certificate dated 13-2-89 to the applicant

2. The District Collector, R.R.District, issued showcause-notice dated 18-1-1992 requiring the applicant to submit her explanation within seven days from the date of receipt of the same as to why the Community Certificates dated 18-8-81 and 13-2-1989 should not be cancelled. The Joint Collector, R.R. District, cancelled the Community Certificate dated 13-2-1989 by his proceedings dated 11-3-1992 by observing that the applicant had not submitted any explanation and hence she should be presumed that she has nothing to explain and on the basis of the material available it had to be held that the applicant does not belong to ST Category.

3. It is now submitted for the applicant that her father-in-law expired in Bangalore on 18-2-1992 and she sent telegram dated 29-2-1992 seeking one month's time for reply. She also sent letter dated 9-3-1992 requesting the Collector, R.R.District to furnish copies of documents referred to therein and the same was received by the District Collector on 10-3-1992.

4. In the counter of R-1 it was stated that the telegram dated 29-2-1992 was not received and the letter dated 9-3-1992 was received on 13-3-1992 i.e. after the impugned order dated 11-3-1992.

5. On receipt of the proceedings dated 11-3-1992 of the Joint Collector, R.R.District, R-3 kept the applicant under suspension

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by order dated 30-4-1992 and charge-sheet dated 12-5-1992 in No. AAD/0/2/92, was issued by Dy. Financial Adviser and Chief Accounts Officer i.e. parties to be impleaded as per MA.690/92 was filed praying for declaring the chargesheet dated 12-5-1992 as illegal and arbitrary as consequential relief to the main prayers.

6. Alongwith the reply affidavit to the counter of R-1, certified copy of the telegram dated 29-2-1992, filed and it reads as under

"Please refer show cause notice No.CS/9766/90 dated 18/1/92. Father-in-law Expired on 18/2/92. Pray one month time for submission of reply. Letter follows...M.Ramadevi."

It is not averted in the counter of R-1 that the submission of the applicant that her father-in-law expired on 18.2.1992 is not correct. In view of the certification of the telegram by the Assistant Superintendent, Telegraph Office, Subhash Nagar, Bangalore, the submission for the applicant that she sent the telegram dated 29.2.1992 cannot be held as untrue.

7. It is a case where show-cause-notice is issued for cancellation of the community certificates issued by Tahsildar in 1981 and the MRO in 1989. Such a cancellation will naturally affect the job obtained by the applicant. So, in view of the circumstances we feel that it is a fit case where the ex-parte proceedings dated 11-3-1992 passed by the Joint Collector, RR District, had to be set aside and accordingly it is set aside., the order of suspension in the order dated 30-4-1992 suspending the applicant and also the chargesheet dated 12-5-1992 issued by the proposed party have to be set aside. So, it is a fit case where the proposed party had been impleaded and accordingly MA.690/92 had to be allowed. For the reasons aforesaid the amendment as prayed for by the applicant is allowed and accordingly MA.689/92 is allowed.

8. This order does not debar R-1 from proceeding with the

enquiry in pursuance of the show-cause-motice dated 18-1-1992 which was already issued to the applicant. The letter dated 9-3-1992 was already received by the District Collector. It is for him to consider in accordance with law as to whether the copies of those documents are to be furnished to the applicant, and the applicant had to submit her explanation within 10 days from the date of receipt of those documents on the reply to her letter dated 9-3-1992. Thereafter the enquiry had to be proceeded in accordance with law and by following the Principles of Natural Justice.

9. As the OA is now being disposed of, MA,691/92 becomes infructuous. MA.689/92 and MA.690/92 are allowed. MA.691/92 is dismissed. OA.407/92 is ordered as referred to above.

V.Neeladri Rao
(V.Neeladri Rao)
Vice-Chairman

R.Balasubramanian
(R.Balasubramanian)
Member(Admn).

Dated : February 4, 93
Dictated in the Open Court

Dy. Registrar (Jud1.)

8/2/93

Copy to:-

1. Joint Collector & Addl, District Magistrate, RR District, Lakdikapur, Hyderabad.
2. Director of Tribal Welfare Telugu Samkshema Bhavan, Masab Tank, Hyd.
3. Dy. Chief Accounts Officer (G) FA & CAD's Office, SC Railway Rail Nilayam, Secunderabad.
4. Dy. Financial Adviser, and Chief Accounts Officer (Constrn & Survey) FA & CAO'S Office, SC Railway, Railnilayam, Sec-bad.
5. One copy to Sri. GVRS Vara Prasad, advocate, CAT, Hyd, 113/3-RT, Vijayanagar colony, Hyd.
6. One copy to Sri. D.Panduranga Reddy, Spl. counsel for AP. State.
7. One copy to Sri. N.V.Ramana, SC for Railways, CAT, Hyd.
8. One spare copy.

Rsm/-