

(45)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION No.708/92

DATE OF JUDGEMENT: 22.3.93 1993

Between

D.Kantha Rao

.. Applicant

and

1. The Regional Provident Fund Commissioner,
Andhra Pradesh, Barkatpura Hyderabad-27

2. The Regional Provident Fund Commissioner II
Visakhapatnam,

.. Respondents

Counsel for the Applicant

:: Mr D.V.Sitaram Murthy

Counsel for the Respondents

:: Mr Vilas Afzulpurkar

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

JUDGEMENT

This is an application filed by the applicant herein under Section 19 of the Administrative Tribunals Act to consider the posting of the applicant as Head Clerk at Visakhapatnam pursuant to the order ~~dated 14.5.92~~ dated 14.5.92 after declaring the posting of the applicant ^{on promotion} to the Regional Office at Cuddapah as illegal with all consequential benefits such as seniority, etc. from the date of promotion of his juniors and pass such other orders as may deem fit and proper in the circumstances of the case.

2. The facts giving rise to this OA in brief may be stated as follows:

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3. The applicant is a Hindu by birth and belongs to Scheduled Caste community. The applicant was appointed as Lower Division Clerk in the office of the Assistant Provident Fund Commissioner at Visakhapatnam on 28.5.79 under the quota reserved for scheduled caste. On 28.5.89, according to the applicant, he gave up Hinduism and embraced christianity and later on ~~on~~ 5.10.90, the applicant is said to have given up Christianity and embraced Sikhism. According to the applicant from 5.10.90 onwards, he belongs to the Sikh religion.

4. The applicant was promoted to the post of UDC w.e.f. 4.6.91, ~~in~~ in the Departmental examination that was held for promotion to the post of Head clerks in the year 1990. The applicant was permitted to appear in the said examination along with other eligible candidates pending verification of his caste status. In the meanwhile, many reports from the SC/ST organisations ^{5x} were made against the applicant that the applicant should not be given the benefit of SC employees in the matter of promotion as he ceases to be a SC person consequent to his change of religion(s). So, the respondents started to inquire about the caste status of the applicant. As on today the said enquiry about the caste status of the applicant is said to be pending with the District Collector Visakhapatnam.

5. The respondents as per their order dated 14.5.92, ~~→~~ posted the applicant to the post of Head Clerk in the scale of Rs.1400-2300/- on a long term(regular) basis under EQ against a point reserved for a SC, to the Sub-Regional Office at Cuddapah. It is the case of the applicant

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Copy to:-

1. The Regional Provident Fund Commissioner, Andhra Pradesh, Barkatpura, Hyderabad-27.
2. The Regional Provident Fund Commissioner II Visakhapatnam.
3. One copy to Sri. D.V. Sitaram Murthy, Advocate, CAT, Hyd.
4. One copy to Sri. Vilas Afzulpurkar, SC for PF, CAT, Hyd.
5. One spare copy.

Rsm/-

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that there are vacancies (of) the posts of Head Clerks available at Vijayawada and Visakhapatnam and hence, he should be posted at Visakhapatnam itself. ~~again~~ The applicant had made several representations in this regard to the respondents but in vain. Hence, the present OA is filed for the relief(s) as already indicated above.

6. As already pointed out, the verification of the caste status of the applicant is still pending before the competent authority. The applicant has filed a separate OA 475/92, challenging the impugned order of the respondents dated 14.5.92, asking the applicant to produce a fresh caste certificate that he belongs to the Scheduled Caste Community. By separate Judgement, the said OA is dismissed after upholding the action of the respondents in asking the applicant to produce a fresh caste certificate consequent to his ~~changing~~ changing of religion(s) as valid. The promotion orders will not come into effect until the applicant produces a caste certificate and the dispute about his caste status is resolved by the competent authority. Hence, the present OA 708/92 filed for setting aside the transfer of the applicant to Cuddapah is pre-mature. Hence, the OA is liable to be dismissed and is accordingly dismissed leaving the parties to bear their own costs.

(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 22 March 1993

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83/3/83
Dy. Registrar (Judl.)

(on 11-4-93)

12/04/93
343/12

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O.A. 708792

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. K. BALASUBRAMANIAN :
MEMBER (ALMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR
REDDY : MEMBER (JUL)

DATED:

22/3/-1993

ORDER/JUDGMENT

~~R.P./C.P/M.A.No.~~

in

O.A.No.

708792

T.A.No.

(W.P.No. _____)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

