

FORM NO.21

( See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

OA/ ~~TA~~ ~~RA~~ / ~~CR~~ / ~~MA~~ / ~~PI~~ ... 16/8 1993

A. Venkabhadrappa Rao .....Applicant(s)

VERSUS

G.M. Sekhri, Secy. Secy. ....Respondent(s).

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	Orders in (Final Orders)	19.12.96 10-11
		14-17

Signature of  
Dealing Hand  
(in Record Section).

Certified that the file is complete in  
all respects.

10/10/93

2

MA 712/94 in O.A. 1618/93

Date

Office Note

Orders

20-10-94

Post on 10-11-94.

HARRN  
M(A)

HUNARJ  
VC

B/O

10.11.94

on 17.11.94 for dismissal

HARRN  
M(A)

VC

17.11.94

List it on 8.12.94.

HARRN  
M(A)

HUNARJ  
VC

B.O.

2-12-94

MA 712/94 in O.A.

No one present for the  
app. in  
Room for dismissal  
on 15-12-94

HARRN  
VC (A)

HUNARJ  
VC

MA 712/94 in O.A.  
1618/93

List in  
dispositional.

HARRN  
VC (A)

HUNARJ  
VC

5-1-95

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A.No./T.A.No.....1618.....of 1993

A. Veerabhadra Rao ~~1678~~

Applicant (S)

Versus

The G.M. S.C. Ply, Raitilagam, Sec'nd

Respondent (S)

Date	Office Note	Orders
30.12.93 3.1.94	Notice sent to SR by SR-N&NR AM /	<u>Admit.</u> Date of final hearing below admissions on 4.2.1994. It is needless to say that as per extant rules the applicant is entitled to provisional pension, the amount in GPF to the applicant and the amount payable by way of leave encashment, even though the <del>ing</del> is initiated. ARR M(A) HVNRT VC

31/1/94

(4)

MA.712/94 in OA.1618/93

Date

XXXXXXXXXX

ORDER

7-2-95

The applicant in the OA filed this MA seeking direction to the respondent to release the DCR amount pending disposal of the OA.

Charge memo dated 22-12-193 was issued to the applicant by alleging that he secured job in the quota for ST by falsely alleging that he belongs to ST community. The applicant retired from service on 31-12-1993. By Interim order of this Bench Inquiry was not proceeded further.

Even though there was an earlier direction to the post this OA for final hearing, it was not posted as the reply statement is not yet filed.

In the circumstances, it is just and proper to dispose of the OA expeditiously. Hence, list it for final hearing immediately below admissions on 8-3-1995. For reply if any in the meanwhile, as a last chance.

MA is ordered accordingly.

HRR  
M(A)

VC

11.12.96

List for orders on 13.12.96.

HBSP  
M(J)

HRRN  
M(A)

13.12.96

Just

10.12.10.

HBSP  
M(J)

HRRN  
M(A)

18-12-96

At the request of the applicant's Counsel List it on 19-12-96.

HBSP  
M(J)

HRRN  
M(A)

P-I  
M  
13/12

3

MA 712/94 mVA 1618/93

Date Office Note

O R D E R

16-1-95 →

✓ No ac present for the  
applicant. Link them on  
30-1-94

HANN  
M(A)

HANN  
UC

B.O.  
↓  
ORCS)

1-2-95

Port Lt on 7-2-95

HRR  
M(A)

HVNRJ  
re

By order  
↓  
b.p.(A)  
~

PTO

(6)

OA 1618/93

DATE

OFFICE NOTE

ORDERS

19/12/96

OA is disposed of  
with no order as to cost.  
Vide the orders on  
separate sheet

1/  
H (S)

1/  
H (A)

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1618 of 1993.

Between

Dated: 30.12.1993.

Arigela Veerabhadrarao

...  
And

Applicant ✓

1. The General Manager, South Central Railway, Rail Nilayam,  
Secunderabad.

... Respondent

Counsel for the Applicant  
Counsel for the Respondent

: Sri. M. Panduranga Rao  
: Sri. N.R. Devaraj SC for Rlys ✓

CORAM:


Hon'ble Mr. Justice V. Neeladri Rao, Vice Chairman  
Hon'ble Mr. R. Ranga Rajan, Administrative Member

The Tribunal made the following order:-

ADMIT.

Post it for final hearing below admission on 4.2.1994.

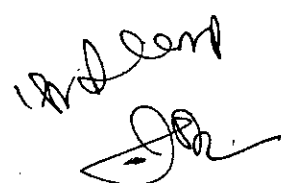
It is needless to say that as per extant rules the applicant is entitled to provisional pension, the amount in GPF to the credit of the applicant and the amount payable by way of leave encashment even though the disciplinary proceedings is initiated.

  
Deputy Registrar (Judl.)

Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Sec'bad.
2. One copy to Sri. N.R. Devaraj, SC for Rlys, CAT, Hyd.
3. One copy to Sri. N.R. Devaraj, SC for Rlys, CAT, Hyd.
4. One copy spare.

Rsm/-

  
3/1/93

(1) 2/0 O.A. 1618793

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

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

AND

THE HON'BLE MR. A. B. GORTHY MEMBER (A)  
AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (J)  
AND

THE HON'BLE MR. R. RANGARAJAN MEMBER (A)

Dated: 30/12/1993

ORDER/JUDGMENT:

Done on 4/2/94

M.A./R.A./C.A. No.

in  
O.A. No. 1618793

T.A. No. (W.P.)

admitted and interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

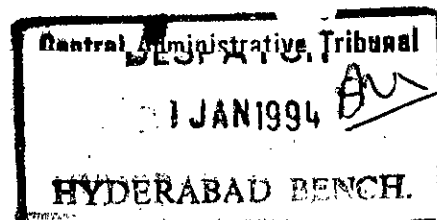
Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

31/12/93





2

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA  
Case No. 1678-93

Filed: 30.12.93

Approved: [Signature]

and

Witnessed: [Signature]

Notary

Witnessed: [Signature]

Witnessed: [Signature]

Attest: [Signature]  
[Signature]

Count of the application

30.12.93

For the purpose of this application, the following is stated:

For the purpose of this application, the following is stated:

It is requested that the court order the following:

Very respectfully,  
[Signature]

[Signature]

[Signature]

Notary

Notary

Very respectfully,  
[Signature]

Very respectfully,  
[Signature]

Case Number OA 1678/93  
Date of Judgment 30/12/93  
Copy made ready on 31/12/93  
Section Officer (1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1618 of 1993.]

Between

Dated: 30.12.1993.]

Arigole Veerabhadra Rao

... Applicant

And

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.

... Respondent

Counsel for the Applicant  
Counsel for the Respondent

: Sri. M. Panduranga Rao  
: Sri. N.R. Devaraj SC for Rlys

CORAM:

Hon'ble Mr. Justice V. Neeladri Rao, Vice Chairman  
Hon'ble Mr. R. Ranga Rajan, Administrative Member  
The Tribunal made the following order:-

ADMIT.

Post it for final hearing below admission on 4.2.1994.

It is needless to say that as per the order of the Tribunal, the applicant is entitled to provisional pension, the amount in GPF to the credit of the applicant and the amount payable by way of leave encashment, even though the disciplinary proceedings are pending.

*[Signature]*  
Deputy Registrar  
Hyderabad

Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Sec'.
2. One copy to Sri. N.R. Devaraj, SC for Rlys, CAT, Hyd.
3. One copy to Sri. N.R. Devaraj, SC for Rlys, CAT, Hyd.
4. One copy spare.

Rsa/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A. NO. 712/98 in O.A. 161/93.

Date of Order:- 7-2-95

Between:

Arigela Veerabhadra Rao.

Applicant.

and

The General Manager, S.C. Ry,  
Rail Nilayam, Secunderabad.

Respondent.

For the Applicant: Mr. M. Panduranga Rao, Advocate

For the Respondent: Mr. N. R. Devraj, SC for Rlys.

CORAM:

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

THE HON'BLE MR. R. RAO ARAJAN : MEMBER (AIMN)

The Tribunal made the following Order:-  
The applicant in the direction

to the respondent to release the DCR amount pending disposal.

Charge memo dt. 22-12-1993 was issued to the applicant by  
alleging that he secured job in the quota for ST by falsely  
from service on 31-12-1993. By Interim Order of  
was not proceeded further.

Even though there was an earlier direction to post this OA  
yet filed.

In the circumstances, it is just and proper to dispose of  
the OA expeditiously. Hence, list it for final hearing immediately  
below admissions on 8-3-1995. For reply if any in the meanwhile

M.A. is ordered

CERTIFIED TO BE TRUE COPY

Date.....  
Court Officer

Central Administrative Tribunal

The General Manager Secunderabad Ry,  
One copy to Mr. M. Panduranga Rao, Advocate, CAT-Hyd.  
One copy to Mr. N. R. Devraj, SC for Rlys, CAT-Hyd.  
One spare copy.

Deputy Registrar (S) CC

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.NO. 712/94 in O.A. 1618/93.

Date of Order:- 7-2-95

Between:

Arigela Veerabhadra Rao.

.. Applicant.

and

The General Manager, S.C.Rly,  
Railnilayam, Secunderabad.

.. Respondent.

For the Applicant: Mr.M.Panduranga Rao, Advocate

For the Respondent: Mr.N.R.Devraj, SC for Rlys.

CORAM:

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

THE HON'BLE MR.R.RANGARAJAN : MEMBER(ADMN)

The applicant in the OA filed this MA seeking direction to the respondent to release the DCR amount pending disposal of the OA.

alleging that he secured job in the quota for ST by falsely alleging that he belongs to ST community. The applicant retired from service on 31-12-1993. By interim order of this bench inquiry was not proceeded further.

Even though there was an earlier direction to post this OA for final hearing, it was not posted as the reply statement is not yet filed.

In the circumstances, it is just and equitable that the OA expeditiously. Hence, list it for final hearing immediately below admissions on 8-3-1995. For reply if any in the meanwhile as a last chance.

M.A. is ordered accordingly.

*[Signature]*  
Deputy Registrar(J)CC

To

1. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
3. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
4. One spare copy.

pvm

*[Handwritten signature]*  
31-01

(3)

TYPED BY

CHECKED BY

COMPARED 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. R. RANGARAJAN, M.A.

DATED: 7-2-1995

ORDER/JUDGEMENT

M.A./R.A/C.A. No. 712/94  
in

O.A.No. 1618/93

T.A.No. (w.p.)

Admitted and Interim directions  
issued.

*Post for final hearing  
after admission  
in 835*

Allowed.

Disposed of with directions.

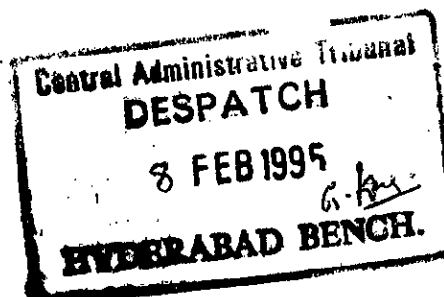
Dismissed.

Dismissed for default.

Ordered/Rejected

No order as to costs.

Dvm



14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1618/93

Date of Order: 19.12.96

BETWEEN:

Arigela VeerabhadraRao

.. Applicant.

AND

The General Manager, S.C.Rly.,  
Rail Nilayam, Secunderabad.

.. Respondent.

---

Counsel for the Applicant

.. Mr.M.Panduranga Rao

Counsel for the Respondent

.. Mr.N.R.Devraj

---

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

---

Heard Mr.M.Panduranga Rao; learned counsel for the  
standing counsel for the respondents.

The applicant was issued with a charge sheet by memo  
No.FA/CON/DAR, dt. 22.12.93 (A-8) for producing false caste  
certificate and thereby securing appointment as Clerk Gr-II  
in the Accounts Department of Southern Railway. That he was  
filed challenging this charge sheet issued at the fag end of  
his service before his retirement with a malafide intention of  
wholly illegal, arbitrary, without jurisdiction and violative  
of Articles 14 and 16 of the Constitution of India.


Je

12

3. It is stated that a Writ Petition has been filed on the file of the <sup>Hon'ble</sup> High Court of Andhra Pradesh challenging the orders of the District Collector who declared that the applicant ~~does~~ <sup>did</sup> not belong to the S.T. community. That Writ Petition is <sup>to</sup> still ~~be~~ disposed of. It is also stated that the High Court has stayed the action on this charge sheet also. In view of the direction of the High Court it is stated that the charges framed against him is not proceeded further. By interim order of this Bench also enquiry was not proceeded further. In view of the direction of the High Court, the interim order given should stand till the W.P. is disposed of by the High Court of A.P.

4. Under the circumstances, the OA is disposed of with no orders but the applicant is at liberty to <sup>revive</sup> ~~receive~~ this petition after the Writ Petition in the High Court in connection with the determination of the community status is disposed of.


5. No order as to costs.

  
( B.S. JAI PALAMESHWAR )  
Member (Judl.)

  
( R. RANGARAJAN )  
Member (Admn.)

(Dictated in Open Court)

sd

  
Dy. Registrar/3

(16)

: 3 :

Copy to:-

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. One copy to Sri. M.Pandungarao, advocate, CAT, Hyd.
3. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.
6. one copy to HRRN, MA CAT, Hyd.

Rsm/-



(A) 21/1/97

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI R. S. DATTA PARAMESWAR:

DATED: 14/12/96

ORDER/JUDGEMENT

O.A. NO. 1618793 <sup>in</sup>

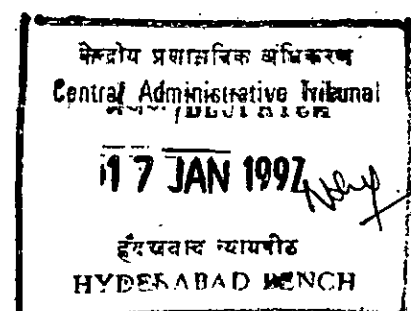
ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLIED

~~DISPOSED OF WITH DIRECTIONS~~  
~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

II COURT



3. It is stated that a Writ Petition has been filed on the file of the <sup>Hon'ble</sup> High Court of Andhra Pradesh challenging the orders of the District Collector who declared that the applicant <sup>did</sup> ~~does~~ not belong to the S.T. community. That Writ Petition is <sup>to</sup> still ~~be~~ disposed of. It is also stated that the High Court has stayed the action on this charge sheet also. In view of the direction of the High Court it is stated that the charges framed against him is not proceeded further. By interim order of this Bench also enquiry was not proceeded further. In view of the direction of the High Court, the interim order given should stand till the W.P. is disposed of by the High Court of A.P.

4. Under the circumstances, the OA is disposed of with no orders but the applicant is at liberty to ~~receive~~ this petition after the Writ Petition in the High Court in connection with the determination of the community status is disposed of.

5. No order as to costs.

प्रमाणित प्रति  
TO BE TRUE COPY  
स्वायत्त अधिकारी  
COURT OFFICER  
केन्द्रिय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद न्यायपीठ  
HYDRABAD BENCH

केस नम्बर	CASE NUMBER	16.18793
तर्जय की तारीख	Date of Judgement	19/12
प्रति तैयार किया गया दिन	Copy Made Ready on	13/1/97
अनुभाग अधिकारी (न्यू बिक) Section Officer (J)		

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1618/93

Date of Order: 19.12.96

BETWEEN:

Arigela VeerabhadraRao

.. Applicant.

AND

The General Manager, S.C.Rly.  
Rail Nilayam, Secunderabad

.. Respondent.



Counsel for the Applicant

.. Mr.M.Panduranga Rao

Counsel for the Respondent

.. Mr.N.R.Devraj.

CORAM:

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

Heard Mr.M.Panduranga Rao, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant was issued with a charge sheet by memo No.FA/CON/DAF, dt. 22.12.93 (A-8) for producing false caste certificate and thereby securing appointment as Clerk Gr-II filed challenging this charge sheet issued at the fag end of his service before his retirement with a malafide intention of withholding retirement benefits after 30 years of service as wholly illegal, arbitrary, without jurisdiction and violative of Articles 14 and 16 of the Constitution of India.

Je

D

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH - HYDERABAD

ORIGINAL APPLICATION NO. 1618 OF 1993

Shri A. Veerabhadra Rao Applicant (s)

Versus

G.M. Sanyal, Secy.

Respondent (s)

This Application has been submitted to the Tribunal

by M. Pandu Rangarao Advocate under section 19 of the Administrative Tribunals Act, 1985 and same has been scrutinised with reference to the points mentioned in check list in the light of the provisions contained in the Administrative Tribunal (Procedure) Rules, 1987.

The application has been in order and may be listed for admission on \_\_\_\_\_

ngl  
Scrutiny Officer.

829/1583  
Deputy Registrar

11. Have legible copies of the annexures duly attested been filed? y
12. Has the Index of documents been filed and pagination done properly? y
13. Has the applicant exhausted all available remedies? y
14. Has the declaration as required by item 7 of Form I been made? y
15. Have required number of envelopes (file size) bearing full address of the respondents been filed? y
16. (a) Whether the reliefs sought for, arise out of single cause of action? y  
(b) Whether any interim relief is prayed for? y
17. In case an M.A. for condonation of delay is filed, is it supported by an affidavit of the applicant? —
18. Whether this case can be heard by single Bench? m
19. Any other point? —
20. Result of the Scrutiny with initial of the scrutiny Clerk. may be filed

Section Officer

Deputy Registrar

REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

Diary No.

Report on the scrutiny of Application

Presented by *M. M. Pandey B.A.*

Date of Presentation.....

Applicant(s) *A. V. B. Rao*

Respondent(s) *A. M. S. Rao, Secy. to Govt.*

Nature of grievance *Money Charge*

No. of applicants *1*

No. of respondents *1*

CLASSIFICATION

Subject..... (No.) ) Department ..... (No....)

1. Is the application in the proper form?  
(Three complete sets in paper books form in two compilations) *y*
2. Whether name, description and address of all the parties been furnished in the cause title? *y*
3. (a) Has the application been duly signed and verified? *y*  
(b) Have the copies been duly signed? *y*  
(c) Have sufficient number of copies of the application been filed? *y*
4. Whether all the necessary parties are impleaded? *y*
5. Whether English translation of documents in a language other than English or Hindi been filed? *y*
6. Is the application in time?  
(See Section 21) *y*
7. Has the Vakalathnama/Memo of appearance/authorisation been filed? *y*
8. Is the application maintainable?  
(U/s 2, 14, 18 or U.R. 8 etc.) *y*
9. Is the application accompanied by IPO/DD for Rs. 50/-? *y*
10. Has the impugned orders original/duly attested legible copy been filed? *y*

Contd.....

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

INDEX SHEET (ORIGINAL)

O.A. NO. 1618 of 1993

CAUSE TITLE A. Veerabhadra Rao.

VERSUS

The G.M. Sec'y, Sec'ry.

S.No.	Description of Documents	Page No.
1.	Original Application	1 to 7
2.	Material papers	1 to 16
3.	Vakalat	1
4.	Objection Sheet	—
5.	Spare Copies 1 (one)	
6.	Covers 1	

My to declare the memo of charges framed against the Applicant as illegal.

*Arigela*

memo of charges.

*Arigela*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

BENCH : AT HYDERABAD.

C.A.NO. 1618 OF 1993.

Between :

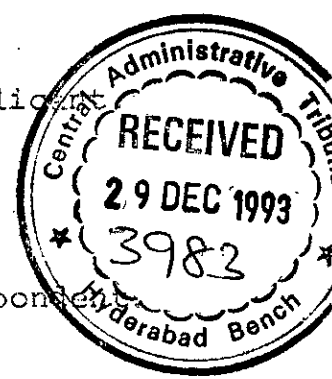
Arigela Veerabhadra rao.

... Applicant

And

The General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.

... Respondent



: CHRONOLOGICAL EVENTS :

Sl.No.	Date	Description	P.No.
1.	20-12-1935	The applicant was born.	1
2.	3-7-1952	The applicant was admitted to the college.	
3.	14-6-1954	Applicant was left the college.	1
4.	22-12-1993	Memo of charges framed against the applicant.	

HYDERABAD.

DATE: 29-12-1993.

*M. V. L.*  
COUNSEL FOR THE APPLICANT.

*Recd.  
T. Sankar  
for  
29/12/93*



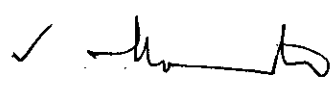
APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT, 1985

Date of filing:

or

Date of receipt by post:

Registration No.

✓   
Signature of the Applicant

Signature

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT

OA.NO. 16/8 /1993

Between

Arigela Veerabhadrarao s/o Subbanna,  
aged 58 years, Senior Divisional Acc-  
ounts Officer, Vijayawada, Krishna  
district

.. Applicant

and

The General Manager, South Central  
Railway, Rail Nilayam, Secunderabad

.. Respondent

Details of Application

Details of the applicant:

- Name of the applicant
- Name of the father
- Age of the applicant
- Designation and particulars
- Office Address
- Address for service of notices etc.,

As shown in

M/s. M.Panduranga Rao  
P.Gopaladas and M.Vijayakumar  
Advocates, High Court Advocates'  
Associates

2. Particulars of the Respondents:

- a. Name of the respondents:
- f. Name of the father:
- c. Age of the respondents:
- d. Designation and particulars of office in which employed:
- e. Office Address:
- f. Address for service of notices etc.,

As shown in cause title

3. Particulars of the order against which Application is made:

The Application is made against the following order:

- a. Order No. Memorandum No.FA/CON/DAR
- b. Dated: 22-12-1993
- c. Passed by: 1st respondent
- d. Subject in brief:

In this OA the applicant is questioning the Memorandum No.FA/CON/DAR dt. 22-12-1993 issued at the fag end of his service before his retirement benefits after 38 years of service as wholly illegal, arbitrary and violative of Articles 14 and 15 of the Constitution of India.

4. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal as per section 14 of the Administrative Tribunals Act, 1985.

5. Limitation:

The applicant further declares that the Application is within limitation as prescribed under section 21 of the Administrative Tribunals Act, 1985 as the cause of action arose on 22-12-1993 when the impugned order has been issued.

6. Facts of the case

The facts leading to filing of this OA are as follows:

(1) The applicant was born on 20-12-1935. When he was infant his father died and his mother had gone to his Grand Father's place at Nidadavole. The applicant was getting educated privately there till he joined the school. Earlier certificates the applicant does not have. However, the Secondar School Leaving Certificate under the authority of the Government of Madras in which the name of the applicant has been entered as Arigela Veerabhadra Rao, Nationality Religion and Caste as 'Konda Kapu' Subbanna. It appears, the Nationality Religion and Caste has been entered by the Head Master. The applicant does not remember as to who was the person admitted him in the school, un-educated and must have studied upto 3rd class only. Except the Applicant, his other step-brothers were all un-educated here that the applicant was admitted in the school much earlier to 1949 because he studied 6th Form i.e., SSLC during 1949-52. By that time, nobody could have anticipated that 'Konda Kapu' was a ST community and a person who was des-benefits. The applicant studied in WGB College, Bhimavaram, West Godavari District. He was admitted in the college on community is shown as 'Konda Kapu'.

(ii) While so, it appears, some persons enemically disposed towards the applicant at the fag end of his career seeme to have given a complaint stating that the applicant does not belong to 'Konda Kapu'. Even according to these persons, the allegation is that the applicant's father had two wives, the applicant is the issue of second wife and they were called as 'Konda Kapu' during their childhood. The further allegation is that the applicant had married a 'Kapu' caste lady and got married to his children with 'Kapu' caste people. They have also stated that his brother studied at Nidadavolu and they do not know with whose caste people he married. It is necessary to submit here that all the statements were taken behind the back of the applicant and the Collector, West Godavari, Eluru seems to have written to the General Manager, South Central Railway, Third Floor, Rail Nilyam on 15-12-1993 (Annexure-7) stating that the applicant belongs to 'Kapu' caste but not 'Konda Kapu'. repeat not 'Konda Kapu'. It is not known how the Collector could come to such a conclusion without hearing the applicant and behind the back of the applicant.

(iii) It is necessary to submit here that the applicant was advised to file a Civil Suit in the Court at West Godavari seeking a declaration about the status of the applicant that he belongs to Konda Kapu community. As the applicant was due to retire from service on attaining the age of superannuation, he applied for leave to his credit which is to the extent of 20 days. While the applicant was on leave, it appears, a counter has been filed in the Court in which the applicant has filed a suit stating that they have issued Memorandum No.FA/CON/DAR dt. 22-12-1993 (Annexure-8) alleging that there was an impugnation of mis-conduct/

mis-behaviour on the part of the applicant. It is necessary to submit here that the Article is that the applicant has produced a false caste certificate as though he belonged to 'Konda Kapu' community which comes under 'STs' in Andhra Pradesh, even though he actually belongs to 'Kapu' community. It is necessary to submit here that the applicant has not filed any false caste certificate. What all produced were the school certificate and the certificate issued by the Tahsildar, North-West. Madras service in Mysore and has subsequently been posted to Hyderabad. It is submitted that when a suit for declaration about the status of the applicant to which the authority is also a memorandum is clearly a contempt in the face of the Court as held by the judgment rendered by Lord Denning in Rex vs. Baxter. The applicant is incompetent and illegal and has been issued out of malice. In fact, no mis-conduct can be made out against the applicant, that too, issuing a charge sheet at the fag end of his career. The suit as regards his status is pending, is clearly incompetent and without jurisdiction. It is also relevant and necessary to submit here that whether a person belongs to a particular status or declaring the status of a person with regard to his origin or caste is not within the purview or the powers of the District Collector and the departmental proceedings cannot at all decide such status or to give a declaration with regard to status is the Civil Court and therefore, a civil suit has been filed. Consequently, the entire proceedings initiated by the Collector or the District Collector are

The applicant is driven to file this case as he has an un-blemished service for 38 years and he does not want to retire with any cloud. In these circumstances, the applicant is constrained to file this OA.

7. Details of remedies exhausted:

The applicant declares that he has no other effective alternative remedy except to approach this Hon'ble Tribunal for relief.

8. Matters not pending with any other Courts:

The applicant further declares that the matter regarding which the application has been made is not pending before any court of law or any other authority or any other Bench. The applicant has not moved any other court or authority for the relief claimed in the present application, except OS.375/93 which has been filed before Principal District Munsif Court, Tanuku seeking a declaration about the status of the applicant with regard to Caste.

9. RELIEF SOUGHT

In view of the facts mentioned in para 6 above, the applicant prays for the following relief:

TO DECLARE the Memorandum No.FA/CON/DAR dt. 22-12-1993 issued at the fage end of his service before his retirement with a malafide intention of withholding retiral benefits after 38 years of service as wholly illegal, arbitrary, without justification and in violation of the Constitution of India.

10. INTERIM RELIEF PRAYED FOR

The applicant seeks from the Hon'ble Tribunal STAY of all further proceedings pursuant to Memorandum No.FA/CON/DAR dt. 22-12-1993 issued by the respondent pending disposal

11. Particulars of Postal Order

a. Name of issuing Post Office: G P O  
b. No. of Indian Postal Order: 928706  
c. Date of Postal Order: 28/12/93  
d. Post Office at which payable: A P O Hyd

12. Details of Index:

LP.O./B.C./D.D./Removed

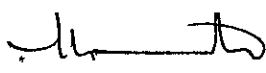
An index of material papers is herewith filed.

13. Enclosures

a. Material papers


c. Postal Order

Counsel for Applicant

  
Signature of Applicant

I, A.Veerabhadra Rao s/o Subbanna, aged 58 years, Sr. Divisional Accounts Officer, South Central Railway, Vijayawada r/o Vijayawada, Krishna district having presently come down to Hyderabad do hereby verify that the contents from paras 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Hyderabad Dt: 29-12-93.

  
Signature of Applicant

To  
Central Administrative Tribunal,  
Hyderabad Bench, Hyderabad.

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

HYDERABAD

## INDEX TO MATERIAL PAPERS

S.No.	Description	Annexure Nos.	Pages
1)	SSLC Certificate dt. 9-11-51	A-1	
2)	Transfer Certificate dt. 14-6-54	A-2	
3)	Certificate dt. 16-6-54	A-3	
4)	Certificate issued by the Gazetted Officer dt. 11-8-54	A-4	
5)	Certificate dt. 17-4-1960	A-5	
6)	Community Certificate dt. 9-8-68	A-6	
7)	R.Dis.(G3)14040/93 dt. 15-12-93	A-7	
8)	Memorandum no. FA/CON/DAR dated 22-12-1993	A-8	

Hyderabad

Dt: 29-12-1993

Counsel for Applicant



SECONDARY SCHOOL LEAVING CERTIFICATE

(Is issued under the Authority of Government of Madras)

Issued by: Sl. Number: 87539 B  
 Station : Signature: Sd/- xx xx,  
 Date : Designation: District Educational  
 Officer  
 West Godavari, Eluru.

1. Name of the ~~people~~ pupil  
 (in full) : Angela Veerabhadra Rao
2. Nationality, religion  
 and caste : Konda Kapu.
3. Sex : Male
4. Date of birth (in words) : Twentieth, December, Thirty four  
 five.
5. Father's name : A. Subbanna.
6. Personal marks of identi-
  1. a mole on the left arm below the
  2. a mole on the left neck.

Date: 12-11-12

Sd/- xx xx xx,  
 Head Master,  
 Board High School,  
 Nidadavole

8. School History	: Name of school	Period of study	Form
	BHS	1949-50	IV
	NDD.	1950-51	V

-/true copy/-

XXXXXX.

W.G.B. COLLEGE, BHIMAVARAM  
TRANSFER CERTIFICATE

No. 2959.

Ad.No. 3677.

1. Name of the pupil in full : Veerabhadra Rao, Arigela
2. Nationality, religion or caste : Hindu - Kondakapu
3. Date of birth as entered in the Admission register (in words) : 20-12-1935 (nineteen hundred and thirty five)
4. Date on which he was admitted to the College. : 08-07-1952
5. Class in which he was studying at the time of leaving (in words) : Senior Intermediate.
6. Subjects or portions thereof studied by him at the time of leaving. : Part-I English, Part-II Telugu Part-III Eco. Hist. Banking, Accts & Gen. General Knowledge
7. Whether he is qualified for promotion to the higher class : No. Passed Part-II only March 1954 with registration No. 805
8. Whether the pupil has paid all the fees due to the College. : Yes.
9. ~~General~~ ~~Medical~~ ~~Extra~~ inspection during the year. First or repeat (to be specified) : ---.
10. General progress made. : ---
11. Date on which the pupil actually left the college : May, 1954
12. Date on which the application was made. : 14-6-1954
13. Reasons for applying for/ giving the certificate. : Completed the course.
14. Date of Transfer : 14-6-1954

Sd/- xx xx xx,  
Principal,  
Bhimavaram.

Attested as

-/true copy/-

*M. V. R.*

...

-: 3 :-

C E R T I F I C A T E  
(Translated from Telugu)

To

The Central Excise Collector  
Hyderabad.

From

Village Munasiff  
Tadiparru, Taniku Taluk,  
West Godavari District.

Sir.

I hereby certify that Arigela Veerabhadra  
Rao s/o Arigela Subbanna resident of Tadiparru village  
Tadiparru Taluk, West Godavari District belongs to  
"KONDA KAPU" caste. His conduct and character are good.  
His date of birth is 20-12-1935.

Tadiparru,  
Dt: 16-6-1954

Sd/- xx xx xx,  
.....

Red, as copy

*n. v. l. n.*


Certificate to be produced by the Scheduled Castes and Scheduled Tribes Candidates applying for appointment to posts under Government of India.

This is to certify that Arigela Veerabhadra Rao, son of Subbanna of Tadiparru Village, West Godavary District in the Andhra State, Kondakapu belongs to the Scheduled Tribe Community which is recognised as a scheduled tribe under the Constitution (Scheduled Tribes) Order 1950 the constitution (Scheduled Tribes) (Part C States) Order 1951 Sri Arigela Veerabhadra Rao and his family ordinarily reside.

Sd/- xx, 16-8-1954  
Central Excise  
Tanuku Circle.

Counter signed: Sd/- xx, 11-8-54  
Tahsi ldar,  
Tanuku.

*Attested*  
-/true copy/-



C E R T I F I C A T E  
(Translated from Telugu)

This is to certify that Sri Arigela Veerabhadra Rao s/o Arigela Subbanna resident of Tadiparu Village Tanu ku Taluk, West Godavari District belongs to "KONDA KAPU" caste. He is having a good character and conduct. He is not having any bad habits. We, being the village authorities do hereby certify the above facts are correct.

Tadiparu,  
Dt:17-4-1960.

Sd/- xx xx xx,  
Gram Karanam  
17-4-60

Sd/- xx xx.  
17-4-60.

The above remarks of the village officers are  
correct.

Sd/- xx xx,  
24-4-1960.

*Retained as*  
-/true copy/-

*11. 11. 11*

-: 6 :-

K.Dis.19521/68.

MADRAS TALUK OFFICE (NO RTH WEST)  
Madras-11, dt.9-8-1968.

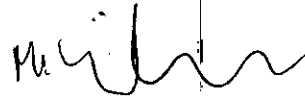
COMMUNITY CERTIFICATE

This is to certify that Tiru Arigela Veerabhadra  
Rao s/o Thiru Subbanna residing at No.10, Chellappa  
Mudali Street, Madras-12 belongs to "Konda Kapu"  
Community, which is included in the list of Scheduled  
Tribe approved by the Madras Educational Rules.

Sd/- xx xx xx,  
dt:9-8-68.  
Tahsildar (North West)  
Madras-11.

*Attested*

-/true copy/-



- : 7 :-

R.Dis.(G3) 14040/93.

West Godavari Collectorate  
Eluru, dt.15-12-1993From  
Sri B. Sam Babu, IAS.,  
Collector,  
West Godavari, Eluru.To  
Sri B.K.Patnaik  
General Manager,  
Gigilance Branch  
S.C.Railway, 3rd Floor,  
Railnilayam,  
Secunderabad.

Sir,

Sub:- Caste Verification - West Godavari District -  
Undrajavaram Mandal - Tadiparu Village -  
Sri Arigela Veerabhadra Rao s/o Subbanna -  
Enquiry report - Reg.Ref:- 1) Your Office Lr.No.G. 265/01/06/0012/93,  
dt.13-9-1993.  
2) R.Dis.5618/93(N): dt.8-12-93 of Revenue  
Divisional Officer, Kovvur.

- : 00 0 :-

I invite attention to the reference set out, wherein  
you have requested to enquire about the caste of Sri Arigela  
Veerabhadra Rao s/o Subbanna of Tadiparru Village of  
Undrajavaram Mandal.After discreet enquiry into the matter, the Revenue  
Bhadra Rao, s/o Subbanna of Tadiparru village belongs to  
'Kapu' caste but not 'Konda Kapu' ~~Report~~ Repeat not

A copy of his report is enclosed for information.

In the circumstances reported by the Revenue Divisional  
Officer, Kovvur, I am to inform you that Sri Arigela Veera  
Bhadra Rao, s/o Subbanna of Tadiparru village of Undrajavaram  
Mandal, belongs to 'Kapu' caste but not 'Konda Kapu'.Sd/-B. Venkateswara Rao,  
For Collector,  
West Godavari, Eluru.-/Sd/- xx  
Huzur Head Clerk,  
Collectorate, Eluru.

Copy to Revenue Divisional Officer, Kovvur for information.

Attest  
-/true copy/-

SOUTH CENTRAL RAILWAY

GENERAL MANAGER'S OFFICE  
Secunderabad

No.FA /CON/DAR/

dated:22-12-1993.

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri A. Veerabhadra Rao, Sr.DAO/BZA under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Articles of charge (Annexure-I). A statement of the imputations of misconduct or mis-behaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed. (Annexure-III and IV). Further, copies of documents mentioned in the list of documents as per Annexure-III are enclosed.

2. Shri A.Veerabhadra Rao, Sr.DAO/BZA is hereby informed that if he so desires, he can inspect and take ~~extracts~~ extracts from the documents mentioned in the enclosed list of documents. (Annexure-III) at any time during office hours within ten days of receipt of his Memorandum. For this purpose, he should contact.....immediately on receipt of this Memorandum.

3. Shri A.Veerabhadra Rao, Sr.DAO/BZA is further informed that he may if he so desires, take the assistance of any other Railway servant/an official of Railway Trade Union (who satisfies the requirements of Rule 9(13) of the Railway Servants (Discipline and Appeal) Rules, 1968 and Note 1 and/or Note 2 thereunder as the case may be, for



inspecting the documents and assisting him in presenting his case before the Inquiry Authority in the event of an oral inquiry being held. For this purpose, he should nominate one or more persons in order of preference. Before nominating the assisting Railway Servant(s) or Railway Trade Union Official(s), Shri A. Veerabhadra Rao, Sr.DAO/BZA should obtain an undertaking from the nominee(s) that he (they) is (are) willing to assist him during the disciplinary proceedings. The undertaking should also contain particulars of other case (s), if any, in which the nominee(s) had already undertaken to assist and the undertaking should be furnished to the undersigned along with the nomination.

4. Shri A. Veerabhadra Rao, Sr.DAO/BZA is hereby directed to submit to the undersigned a written statement if he does not require to inspect any documents for the preparation of his defence and within ten days after completion of inspection of documents if he desires to inspect documents and also

person; and

b) to furnish the names and addresses of the witnesses, if any, whom he wishes to call in support of his defence.

that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

6. Shri A. Veerabhadra Rao, Sr.DAO/BZA is further informed that if he does not submit his written statement of defence within the period specified in para 4 or does not appear in person before the Inquiring Authority

or otherwise fails or refuses to comply with the provisions of Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968, or the orders/directions issued in pursuance of the said Rule, the Inquiring Authority may hold the inquiry exparte.

7. The attention of Shri A.Veerabhadra Rao, Sr.DAO/BZA is invited to Rule 20 of the Railway Services (Conduct) Rules, 1966, under which no Railway servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Shri A.Veerabhadra Rao, Sr.DAO/BZA is aware of such a representation and that it has been ~~not~~ made at his instance and action will be taken against him for violation of Rule 20 of the Railway Services (Conduct) Rules, 1966.

8. The receipt of this Memorandum may be acknowledged.

Sd/- D.C.Misra  
General Manager  
South Central Railway.

Shri A.Veerabhadra Rao,  
Sr.Divisional Accounts Officer,  
S.C.Railway  
Vijayawada.

*Attd as 1*  
-/true copy/-

Statement of Articles of charge framed against Shri A.Veera  
Bhadra Rao, Sr.Divisional Accounts Officer, Vijayawada.

-----

ARTICLE-I

That the said Sri A.Veerabhadra Rao, Senior  
Divisional ~~Off~~ Accounts Officer, Vi jayawada, has secured  
app ointment as Cle rk Gr.II in the Accounts Department  
of Sothern Railway by producing a false Caste Certificate  
as though he belonged to "Konda Kapu" Community, which  
thou gh he actually belonged to 'Kapu' Community, which  
is a forward Community in Andhra P radesh, as detailed  
in the statement of imputation.

Thus, Shri A.Veerabhadra Rao, failed to maintain  
absolute integrity and acted in a manner unbecoming of  
a R ailway Servant and thereby violated Rule No.3(1)(i)  
and (ii) of Railway Services (Conduct) Rules, 1966.

Sd/- xx, xx,  
S. C. Railway Secy

-/true copy/-

Statement of Imputations of misconduct or misbehaviour  
in support of the articles of charge framed against  
Shri A.Veerabhadra Rao, Senior Accounts Officer, Vijayawada.

---

Article-I

Shri A. Veerabhadra Rao, Sr.DAO/BZA was initially appointed as Clerk Grade II in the Accounts Department of Southern Railway under 'ST' quota, his caste being 'Konda Kapu'. Thereafter, he progressed in Group-C service under 'Scheduled Tribe' quota and then later become a Group-B Officer. Subsequently he was also

As per the entries in his Service Register, he actually hails from 'Tadiparru' village of Tanuku Taluk of West Godavari District, in the Board High School, Nidadavolu and later studied Intermediate in the W.G.B.College, Bhimavaram. His father Sri A. Subbanna and his mother Smt. Bulli Venkayamma who are from 'Tadiparru' village belongs to 'Kapu' Community. Sri A.Veerabhadra Rao also ~~was~~ married a woman by name Nagarathnam, daughter of ~~the~~ Kapu community. But Sri Veerabhadra Rao got this Caste entered in his school/College records as 'Konda Kapu' and declared his appointment as Clerk Gr.II in Southern Railway, through the Railway Service Commission, Madras under 'ST' quota. He progressed in the Accounts Department on 'ST' quota and also got himself selected as AAO under 'ST' quota. He was later absorbed in Group-A service and got

The Mandal Revenue Officer, Undrajayaram under which the village 'Tadiparru' comes, has stated in his letter No.1175/98(8) dt.20-9-1993 that enquiries in the Tadiparru revealed that Shri A. Veerabhadra Rao belong to ~~/Kapu~~ 'Kapu' community. He has also endorsed the statements recorded from (1) Sri Durga Koteswara Rao s/o Seetharamaiah (2) Sri A. Brahmanna s/o Subbanna the brother of Sri Veerabhadra Rao and also the report of the Village Administrative Officer, Tadiparru. All the above records show that Sri Veerabhadra Rao belongs to ~~the District Collector, Eluru~~ also confirmed the same vide his Lr.No.R. Dis.(G.3)/4940/93 dt.15-12-1993. Thus Shri Veerabhadra Rao, while belonging to ~~'Kapu' Community~~ got his Caste entered in the School records as 'Konda Kapu' and later produced a caste certificate from Tahsildar (North West) Madras dt.9-8-1968. This Certificate has no validity since the Officer hails from Andhra Pradesh. Thus Sri Veerabhadra Rao has secured his job fraudulently by producing a 'Bogus' Caste Certificate as though he belongs to ~~/Kapu~~ 'Konda Kapu' community, though he actually belongs to 'Kapu' community, which is a forward Caste in the A.P. He thus cheated the Railway Administration.

Thus, Shri A. Veerabhadra Rao, failed to maintain absolute integrity and acted in a manner unbecoming of a Railway Servant and thereby violated Rule No.3 (1)(i) and (ii) of Railway ~~...~~

Sd/- xx, xx,  
General Manager,

*Am*  
- /true copy/-

*H. V. S. S.*  
..14.

List of documents by which the Articles of Charge framed against Shri A.Veerabhadra Rao, Sr.D.A.O/BZA is proposed to be sustained.

---

1. First page of S.S.L.C.Certificate of Shri A. Veera Bhadra Rao.
2. Transfer Certificate issued by the W.G.B.College, Bhimavaram
3. Caste Certificate dt.9-8-1968 issued by the Tahsildar (nor th-west) Madras.
4. First page of the Class-III S.R.of Shri A.Veerabhadra Rao.
5. Letter dt.22-7-1992 addressed to the FA&CAO/SC by Shri A.Veerabhadra Rao.
6. M.R.O/Undrajavaram's letter No.1175/93(8) dt.20-9-1993
7. Statement of Sri Durga Koteswara Rao o/o D.Seetha ramai dt.14-9-1993
8. Statement of Sri Arigela Brahmanna s/o Subbanna dt.14-9 - 1993 ~~11/11/11~~
9. Statement of Sri N.Seshagiri Rao, village Administrative Officer, Tadiparru, Undrajavaram (Mandal) dt.14-9-93
10. District Collector, W.G. dist.Eluru's letter No. R.Dis.(G-3)/4040/93 dt.14-9-93 enclosure.

Sd/- ~~xy.yz.zg~~  
S.C.Railway.

*Attended as*  
-/true copy/-

*[Handwritten signature]*

List of Witnesses by whom the Articles of Charge framed against Sri A.Veerabhadra Rao, Sr.DAO/BZA is proposed to be sustained.

---

1. Shri Durga Koteswara Rao s/o Durga Seetharamaiah, resident of Tadiparuru village, Undrajavaram (Mandal), West Godavari District.
2. Sri Arigela Brahmaiah s/o Subbanna, resident of Tadiparuru (village) Undrajavaram (Mandal) West Godavari District.
3. Sri Nanduri Seshagiri Rao, Village Administrative Officer, Tadiparuru, Undrajavaram (Mandal) W.G. District.
4. Sri A.R. Sudhakara Rao, VI/P/SC.

Sd/- xx xx,  
General Manager  
S.C.Railway.

*Attested*  
-/true copy/-

*[Signature]*

B.S.H. Rao, M.A., B.L., I.R.S.  
Advocate

To  
Dy Registrar (Judicial  
Central Admin. Tribunal  
Hyderabad

Sir

Re : - Reqn  
Cases.

2

ms. Q



Records.

Order in

O.A. 1618/1993

Pl. send A copy of order or  
Original Judgement in the above  
stated case for reference in  
OA 417/03 + MA 455/03

Original  
3/9/03.

KURNOOL DISTRICT

BEFORE THE A.P. ADMINISTRATIVE  
TRIBUNAL AT HYDERABAD.

O.A.NO. ~~2002~~ OF 1993

Sl.No.	Description	P.Nos.
1.	Secondary School Leaving Certificate Annexure-I	1
2.	Transfer of Certificate	
3.	Lr.dt.16-6-1954 of Village Munsiff Annexure-3	3
4.	Ordnance Central Excise, Tanuku Circle Annexure-4	
5.	Certificate dt.17-4-60	
6.	Community Certificate dt.9-8-68 Annexure-6	6
	dt.15-12-93 of Collector W.O.Dt. Annexure-7	7
8.	Memorandum No.FA/CON/ DAR dt.22-12-1993 of General Manager, Secunderabad. with enclosures	8 16

Filed by:

K.S.N.Murthy and

K. Ravi

Counsel for Applicant.

In the Central Administrative  
Tribunal: Hyderabad Bench at  
Hyderabad

OA.No.

/1993

Application u/s 19 of the Act 13/85

M/s.M.Pandurangarao  
R. Gajaganan

Counsel for Applicant

3. It is stated that a Writ Petition has been filed on the file of the <sup>Hon'ble</sup> High Court of Andhra Pradesh challenging the orders of the District Collector who declared that the applicant <sup>did</sup> ~~does~~ not belong to the S.T. community. That Writ Petition is still <sup>to</sup> ~~be~~ disposed of. It is also stated that the High Court has stayed the action on the charges

the direction of the High Court it is stated that the charges ~~framed against him~~

of this Bench also enquiry was not proceeded further. In view of the direction

stand till the W.P. is disposed of by the High Court of A.P.

4. Under the circumstances, the OA is disposed of with no orders but the applicant is at liberty to <sup>revive</sup> ~~renew~~ this petition. The Writ Court in connection with the determination of the community status is disposed of.

5. No order as to costs.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

*[Signature]*  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH

नमूने का नंबर	ML-1618743
नियम का तारांक	181124
Date of Judgement	13/1/97
प्रति तैयार किया गया दिन	13/1/97
Copy Made Ready on	
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Section Officer (J)	

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1618/93

Date of Order: 19.12.96

BETWEEN:

Arigela Veerabhadra Rao

.. Applicant.

AND

The General Manager, S.C.Rly.  
Rail Nilayam, Secunderabad

.. Respondent.

Counsel for the Applicant

.. Mr.M.Panduranga Rao

Counsel for the Respondent

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMIN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admin.) }

Mr. Panduranga Rao, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devraj, learned standing counsel for the respondents.

The Applicant was issued with a charge sheet by memo No.FA/CON/DAR, dt. 22.12.93 (A-8) for producing false caste certificate and thereby securing appointment as Clerk Gr-II in the Accounts Department of Southern Railway. The OA was filed challenging this. His service before his retirement with a malafide intention of withholding retirement benefits after 30 years of service as wholly illegal, arbitrary, without jurisdiction and violative of Article 311(b) of the Constitution of India.

ANNEXURE - I

FORM OF INDEX

List of papers in MA/~~CP/PP~~ No. 712/1994 in O.A.No.

1618/93.

Serial no. of papers on record part I part II part III	Date of paper or Date of filing	Description of papers	Remarks
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~~Petition~~ 1/9/94. Petition

Memorandum of Miscellaneous Application  
(Under Rule 8(3) of C.A.T.(Procedure)  
Rules, 1987

In the Central Administrative Tribunal; Hyderabad Bench;  
at Hyderabad.

M.A.No. 712/1994

in

O.A.No.1618/1993

Between;

Arigela Veerabhadra Rao S/o.Subbanna,  
aged 59 years, Senior Divisional Accounts  
Officer, South Central Railway,  
Vijayawada R/o.Vijayawada, Krishna Dt.

...Applicant/Applicant

and

The General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.

...Respondent/Respondent

Brief facts leading to the filing of the M.A.

1). The O.A.was filed questioning the proceedings issued in Memorandum No.FA/CON/DAR dated 22--12--1993 by the Respondent as wholly illegal,arbitrary and without jurisdiction. The proceedings stated above are with regard to the Memo of Charges proposing to hold an enquiry. The main charge proposed to be enquired into is that the Applicant is not Vanda Kapu but 'kapu' and the impugned proceedings are issued on 22--12--1993 just nine days prior to the retirement of the Applicant as he is due to retire on 31--12--1993. Therefore, the Applicant was constrained to approach this grounds. In the main O.A. the Applicant also sought for stay of all further proceedings pursuant to the impugned Memo dated 22--12--1993. At the time of admission of the O.A. this Hon'ble Tribunal was pleased to direct the Respondent to release pension, Provident Fund and Leave accordingly the Respondent is giving Provisional Pension, and has also released my Provident Fund and leave encashment etc.

2). It is necessary to submit here that the cause of action to issue the said proceedings by the Respondent is the proceedings of the Collector wherein he has stated that the applicant is not Konda Kapu but he is a Kapu. Therefore, the Applicant was forced to file a Writ Petition questioning the proceedings of the Collector declaring my status as 'Kapu' but not 'Konda Kapu' and there the applicant sought for stay of operation of the Collector's proceedings dated 15-12-1993 in W.P.M.P.No.55/94 in W.P.No.49/94. The Hon'ble High Court on 4-1-1994 granted an interim order directing the 2nd Respondent not to take any action on the petitioner (applicant herein) on the ground that his caste is 'Kapu' and not 'konda kapu' pending disposal of the WP. Subsequently, the said order is made absolute on 24-6-1994.

3). It is also submitted that this Hon'ble Court Tribunal has granted an interim order directing the Respondent to release Pension, Provident Fund, Leave Encashment only. ~~the applicant has not been granted the facility of commutation of pension and also was not paid Death-cum-Retirement Gratuity(DCRG) . If the situation continues thus, the applicant will be put to great hardship and irreparable loss for not availing the above facilities. AS THE INTERIM ORDER IS RESTRICTED ONLY TO PENSION, Provident Fund and Leave Encashment, the authorities are not extending the other benefits to the Applicant. Therefore the Applicant is constrained to file this Miscellaneous Application seeking for the other facilities available to a retired person. The action of the Respondent in not allowing the other facilities to the Applicant is wholly illegal, arbitrary besides being violative of Articles 14, 16 and 21 of the Constitution of India.~~



In the Central Administrative  
Tribunal; Hyderabad Bench;  
at Hyderabad.

M.A.No. /1994

in

O.A.No. 1618/1993



Miscellaneous Application

...

M/s.M.Pandurangarao  
P.Gopaladas &  
M.Vijayakumar  
Advocates for the Applicant

4: RELIEF SOUGHT FOR:

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to direct the Respondent to permit the Applicant to avail the facility of Commutation of Pension and also to release the Death-cum-Retirement Gratuity to which the Applicant is entitled to; and pass such other order or orders as are deemed fit and proper.

VERIFICATION

I, A. Veerabhadra Rao S/o. Subbanna, aged 59 years, Senior Divisional Accounts Officer (Retd) South Central Railway, Vijayawada R/o. Vijayawada having presently come  
-----  
paras 1 to 4 above are true to my personal knowledge and believed to be true as per legal advice and that I have not suppressed any material facts.

Hyderabad,

Dt. 24--7--1994

Signature of Applicant

  
the Applicant.

RAILWAY

DENCE CARD

DUPLICATE

MA 712/94

in

OA 1618/93

✓ Post it on 15-9-94

MA 712/94

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in OA 1618/93

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ORCS)

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ORCS)

MA NO. 712/94

OA NO. 1618/93.

Discretion Petition

Mr. M. Panduranga Rao  
Counsel for the applicant

Mr. N.R. Dura Rao  
Sd for Pkg