

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
Contempt Petition 129/95 in
O.A. 427/94.

(AS PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN.)
Date: August 23, 1996.

Between:

R. Kanakaiah. Applicant.

and

K. Manohar Rao, General Manager,
South Central Railway,
Secunderabad & two others. Respondents.

Counsel for the Applicant. Sri V.Durga Prasada Rao.

Counsel for the Respondents: Sri V.Rajeswara Rao, Addl.
Standing counsel for the
Respondents.

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN?

HON'BLE SHRI R.RANGARAJAN, MEMBER (A).

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O R D E R.

Counsel for the applicant absent. Mr. V.
Rajeswara Rao, Additional Standing counsel for the
Respondents. The additional reply statement has
already been filed.

2. The applicant complains in the petition
that the respondents have not complied with the Order
in the O.A., dated 31-10-1994 inasmuch as even after
a long lapse of time they have not informed him
about the result or the progress of the investigation
directed in the Original order and consequent steps

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proposed to be taken.

3. The applicant had filed the O.A., on the ground that Respondent No.4, S.V.Narayana Rao was wrongly promoted to the post of Chief Train Examiner on a reserved post on the assumption that he belonged to Scheduled Caste community but that the caste certificate produced by the 4th Respondent and acted ^{upon} by the Respondents was bogus. It was his case that consequently the promotion of Respondent No.4 was liable to be cancelled and instead he himself was entitled to be promoted to that post. Since the applicant had already retired from service he prayed for notional benefit of that promotion.

4. It was directed by the Judgment that the action being taken by the respondents upon the complaint of the applicant to determine whether the 4th Respondent actually belongs to Scheduled Caste or not which was in progress should be completed and final decision taken within a period of four months from the date of communication of the Order. Thereafter interim directions were given from time to time to complete the investigation. Now it has been stated in the additional reply filed by the Respondents that the Collector (Composite Hyderabad District) Hyderabad Dt., has completed the enquiry and has held that the caste

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Certificate that was issued to Respondent No.4 as belonging to Scheduled Caste was genuine and ~~had~~ good. - write letter dated 23.7.96.

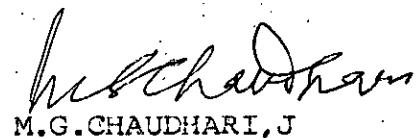
Acting on that report, the respondents have informed the applicant on 8-8-1996 that in view of the decision of the Collector on the genuineness of the Caste Certificate of Respondent No.4 his prayer for promotion to the post of Chief Train Examiner does not arise.

5. Since the directions in the original Order have been complied with there arises no question of taking action in contempt. Hence the contempt petition is dismissed. If the applicant is still aggrieved with the decision of the Respondents communicated on 8-8-1996, it is for him to pursue such remedies as may be available to him in accordance with the law and with the rules and the present Order will not preclude him from doing so.

6. The contempt petition is accordingly dismissed. No costs.


R. RANGARAJAN

Member (A)


M.G. CHAUDHARI, J

Vice-Chairman.

Date: August 23, 1996.

Pronounced in open Court.


Deputy Registrar (S) cc

sss.