

ANNEXURE - I

List of papers in Original Application No. 235194

Sl. No. of Papers	Date of Papers or Date of Filing	Description of Papers.
6		

Part - I

Original Judgement

O.A & Material Papers

Counter

Reply Counter

PART - I, PART -- II, PART --- III

Destroyed.

FORM NO. 21

(See Rule 114).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

DAY / FA / RA / SP / MA / PT 235..... of 1990

Sub.: P. V. B. Sevvani, Manohar.....Applicant(s)

Versus

...The...dy...Secretary...C.B.P.T.....Respondent

Ad. VII, C.B.P.T, North Block, New Delhi 21

INDEX SHEET

Serial No.	Description of Documents	Page
Docket Orders	—	13
Interim Orders	—	
Orders in M.A(s)	—	
Replay statement	—	46-50
Orders in (Final Orders)	3-3-97	51 + 55

SPB
7/5/97
Certified that the file is complete
in all respects.

Signature of
Dealing Hand
(in Record Section).

Signature of S.O.

OA 23594

DATE	OFFICE NOTE	ORDERS
4-3-94 7-3-94	Notice sent to RRs 1104 by RPAD. R1- R2- R4-SD] NSNR Ex 7/3/94	4-3-94 Notice before admission. Status can be on RRs until further orders. Post on 8-3-1994 at 2-15 p.m.
8/3/94		HABG M(A) X HVNR.J VC
16/3/94		Post on 16/3/94. HABG (20) 11 M(A) (20) 11
18/3/94 31-3-94	Before by legi (G) Notice has been duly served on the RRs, R2 and the care which be deemed to be one of the hearing of 18/3/94 CAT, Lawyer Practice 93, A 99 if of the ready list.	Post on 21/3/94 HABG (20) 11 M(A) (20) 11 Post on 23/3/94 HABG (20) 11 M(A) (20) 11 Post on 23/3/94 HABG (20) 11 M(A) (20) 11 23-3-94 Admit.
	By legi (G) ac	HABG M(A) X HVNR.J VC

MR
1104
1104
1104
1104

20.1.97
Admit 16 27.1.97
most P
ad 26 4.2.97
ad 26 4.2.97

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

•.A. No. / T.A. No. 239 1994.

Sub PVB 3. Manone

Applicants (S)

VERSUS

The O.P. Secretary

Respondent (S)

Circular Report of Direct Tax No. 881

Date	Office Note	Orders
21.2.94		<p>Post it on 1.3.94 for various, regard to maintainability</p> <p>HRR m(A)</p> <p>Adjourned to 2-3-94.</p> <p>HCSR m(J)</p> <p>Post on 313/94.</p> <p>HABG m(A)</p> <p>Post on 4.3.94.</p> <p>HABG m(A)</p> <p>B.O</p> <p>SRJ</p> <p>QJD</p>
3.3.94		

(3)

OA 235/94

DATE | OFFICE NOTE

ORDERS

10.2.97

None for the applicant

Mr. Ravesh Ranganathan, for R-324
Present.At the request of Mr. Ravesh
Ranganathan, list it on 17/2/97.JG
HBSJP
M(A)HRM
H(A)

17.2.97

It is stated that Sri P. Naveen
Rao has recently taken over as
special counsel for the state of
A.P. Hence we request some
time to collect the files and to
forward the submissions. Hence
on 28.2.97.JG
HBSJP
M(A)HRM
M(A)

28.2.97

OA is dismissed
order to be removed

no cost. V. d. the

separate list of orders

L
HBSJP
M(A)L
orders

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

ORIGINAL APPLICATION NO. 235 OF 1994.

Shri Kam. P.V.B.S. Manohar Applicant(s)

VERSUS

Dy. Secretary, Central Board of Direct Taxes, N.Delhi

636.

Respondents(s)

by Mr. G. Vedanthi Rao Advocate under section 19 of
the Administrative Tribunal 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 Adminis-
trative Tribunal (Procedure) Rules, 1987.

The application is in order and may be listed for
admission on - 294 -

Scrutiny Officer

Laxmi
Deputy Registrar(J)

11. Have legible copies of the annexures duly attested been filed, 4
12. Has the Index of documents been filed and pagination done properly, 5
13. Has the 7
14. Has the declaration as required by item 7 of Form I been made? 6
15. Have required number of envelopes (file size) bearing full address of the respondents been filed? 7
16. (a) Whether the reliefs sought for, arise out of single cause of action? 8
17. (b) Whether any interim relief is prayed for? 9
17. In case an M.A. for condonation of delay is filed, is it supported by an affidavit of the applicant? 10
18. Whether this case can be heard by single Bench? 11
19. Any other point?
20. Result of the Scrutiny with initial of the scrutiny Clerk.

Section Officer

Deputy Registrar

Registrar

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.**

Diary No.

Report in the scrutiny of Application.

Presented by Mr. G. Venkateswara Date of Presentation....

Applicant (s) Kum. P. V. Borkarwade

Respondent(s) Secretary, C.P.O.T., no address shown

Nature of grievance.....

NO. of applicants.....1..... NO. of respondents.....4.....

CLASSIFICATION

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

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

Contd.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

INDEX SHEET

O.A. No. 235 of 1993

CAUSE TITLE

Smt. P. V. B. S. Manohar

VERSUS

The Dy. Secretary, Central Board

of Plant Tax No. 1004

Sl. No.	Description of documents.	page No.
1.	Original Application	161
2.	MATERIAL PAPERS.	162
3.	Vakalat	1
4.	Objection sheet	1
5.	Spare Copies	2
6.	Covers.	2

7. Reply statement filed by Mr. M. Devanay, on 6/2/1957

Appl. to decline the enquiry initiated against the ~~Applicant~~

Applicant by the C. I. T. Officer as illegal.

BENCH CASE

40

Bench no.

CHRONOLOGICAL EVENTS.

GENERAL

19- 4- 1969 Joined as Upper Division Clerk in the Incometax Department.

1974 Promoted as Incometax Inspector.

1984 Promoted as Incometax Officer, Group-B.

 Enquiry started by the Mandal Revenue Officer, Vijayawada Urban regarding social status of the applicant.

1- 5- 1968 Renounced Christianity and embraced Hinduism.

16- 8- 1993 Central Board of Direct Taxes directed the matter to be enquired into.

26- 7- 1993 Representation of the applicant.

1- 10- 1993 Show cause notice issued by the District Revenue Officer for cancellation of the caste certificate of July 1968 and to attend before Joint Collector on 18-10-1993.

8- 11- 1993 Representation submitted by the applicant.

17- 12- 1993 The Joint Collector wanting details of brothers, sisters and their addresses.

4- 1- 1994 Representation made by the applicant requesting the District Collector to conduct the enquiry but not by the subordinate officers.



COUNSEL FOR THE APPLICANT

HYDERABAD:

D/- 21-2-1994

Received
21/2/94
S. N. Denny

Received copy
S. N. Denny

Received copy
S. N. Denny
21/2/94 - 2.25 P.M.
S. N. D. Pandurangappa Reddy

S. N. D.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 235 of 1994.

I N D E X

Sl.No.	Description of Documents relied upon	Annex.	Page Nos.
1.	APPLICATION Represented		1 - 13
2.	Respondent dt:26-7-1993- ^{nt} to the 1st		1 - 8
3.	Memo.No.CON.Vig.A/57/1718,dt:16-8-93, issued to applicant by the 2nd respondent	II	9 -
4.	Notice No.Rc.C7.1076/M/91,dt:1-10-1993 issued to applicant by the Dist. Collector, Office,Machilipatnam.	III	10 & 11
5.	Representation submitted by the applicant on 10-11-1993 to the Dist. Collector, Krishna	IV	12 & 13
6.	Notice No.Rc.C7.1076/M/91,dt:17-12-1993 by the Dist. Collector's Office, Machilipatnam	V	14
7.	Representation Dt:18-10-1993 of the appli- cant to the Dist. Collector, Krishna	VI	15 - 22
8.	Representation Dt:4-1-1994 of the appli- cant to the Dist. Collector, Krishna	VII	23
9.	Certificate Dt:7-5-1968, issued by the Harijan Udhark Sangh,Bollarum.	VIII	24
	application dt:27-12-1993, submitted by the Collector,Krishna	IX.	25

S. Vinay
Council for the Applicant

For use in Tribunal's
Office,

Date of filing:

B. Deccan
SIGNATURE OF THE APPLICANT

for Registrar.

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O.A. No. 23 of 1994.

BETWEEN:

Smt. P.V.B. Suman Manohar, daughter
of M.J. Satyanandam, aged 46 years,
Incometax Officer, Ward 2, Vijayawada. Applicant.

A N D

1. Central Board of Direct Taxes,
rep. by Deputy Secretary, Ad. VII,
C.B.D.T. North Block, New Delhi.
2. The Chief Commissioner, Incometax,
Andhra Pradesh, Ayakar Bhavan,
Bashirbagh, Hyderabad.
3. The District Collector, Krishna
District, Machilipatnam.
Collector,
4. The Joint ~~Commisskhanam~~, Krishna
District, Machilipatnam .. Respondents.

1. Particulars of the applicant:

The particulars of the applicant are the same as stated
above in the cause title.

The address of the applicant for the purpose of service
of all notices, process etc., is that of her Counsel
M/s. G. Vedantha Rao, P.V. Krishnaiah and A. Giridhar Rao,
Advocates, No. 4-3-410, Bank Street, Hyderabad.

2. Particulars of the respondents.

The particulars of the respondents for the purpose of
service of all notices, process etc., is the same as stated
above in the cause title.

3. Particulars of the order against which the application is made: Q.C.CY. 1076/4/91, Date 17-12-93

N I L

Brief History:

The applicant impugns in this O.A. the enquiry initiated by the 4th respondent to verify the social status claim of the applicant contrary to Sec. 5 of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act 1993, and contrary to the direction of the Central Board of Direct Taxes, that the District Collector, Krishna, should make an enquiry and the applicant questions the propriety and legality of the 4th respondent seeking to make an enquiry into the irrelevant aspects without enquiring into relevant ~~fact~~ facts which are crucial to the social status.

4. Jurisdiction of the Tribunal:

The applicant declares that the ~~application is within the jurisdiction of the Administrative Tribunal Act, 1985~~ subject matter of the order against which she wants redressal is within the jurisdiction of this Hon'ble Tribunal under Sec.14(1)(a) of the Administrative Tribunal Act, 1985.

5. Limitation:

The applicant declares that the application is within the limitation prescribed in Sec.21(1)(a) of the Administrative Tribunal Act, 1985.

6. Facts of the case:

The facts of the case are as given below:

3

a) The applicant is a Scheduled Caste being a Madiga by caste and Hindu by religion.

b) The applicant submits she joined the Incometax Department as direct recruit Upper Division Clerk on 19-4-1969. The applicant thereafter appeared for the direct recruitment for the post of Incometax Inspectors and was appointed as Incometax Inspector in the year 1974. The applicant was promoted as Incometax Officer, Group-B in the year 19^{(1984) PA} 84, which post she has been holding, presently working as Incometax Officer, Group-B,

c) The applicant submits due to unfortunate circumstances the marriage of this applicant with Dr. Sumanth Manoha, broke down irrevocably and they were living separately since 1990. There was a dispute for the custody of the child they adopted, both the parties moving the Police authorities for custody and protection and this has resulted in bad blood between them. Therefore, Dr. P. Sumanth Manoha made a false and wild allegations against this applicant to wreck vengeance against him, stating that the applicant does not belong to Scheduled Caste and she is a Christian.

d) The applicant submits on this malicious petition filed by Dr. P. Sumanth Manoha, the Incometax Department initiated enquiry and asked the District Collector to enquire into the matter of social status of the applicant.

e) The applicant submits the Mandal Revenue Officer, Vijayawada, Urban, and the Sub-Collector made some make-show enquiries without visiting the native place of the applicant, without examining the elders of the village, without examining

the Pastors of the Churches and without considering the certificate issued by the Arya Samaj as to the renouncing of Christianity by the applicant and embracing Hinduism and as to the Harijan Uddharak Sangam that the applicant was received back into the fold, without going into the other aspects by merely recording a statement from the applicant. Having made such perfunctory enquiry, the Collector sent a report to the Incometax Department that the applicant is a Christian but not a Scheduled Caste.

f) The applicant submits at this stage she made a representation to the 1st respondent stating that the District Collector ^{did not} ~~make~~ make a regular and proper enquiry, that various relevant witnesses and elders at the native place were not examined, that she renounced Christianity and embraced Hinduism through Arya Samaj, Sultan Bazar, on 1-5-1968 and that she is on such renouncing Christianity was received back into the fold of Madiga community as evidenced by the certificate issued by Harijan Uddharak Sangam, Bolarum. That the decisions of the Supreme Court in AIR 1976 SC 939, AIR 1976 SC 1904 and AIR 1984 SC 411 lay down that a Christian of Scheduled Castes origin, on his renouncing Christianity and reconversion to Hinduism will be a Scheduled Caste if he is accepted by the community and these aspects were not enquired into by the Revenue Officers. That 8 certificates were given by the authorities of the various Temples wherever she worked that she is a Hindu and the various certificates given by the Pastors of various Churches wherever she worked that she is not a Christian. That the various certificates issued by the M.L.As establish that she is a Scheduled Caste and these aspects were not gone into by the Revenue authorities.

g) The applicant submits that the Central Board of Direct Taxes having considered her representation directed the matter should be enquired into, furnishing a fresh report after affording an opportunity to this applicant. This decision was communicated by the 2nd respondent to the applicant vide proceedings dated 16-8-1993. The representation filed by the applicant on 26-7-1993 and the order communicated by the 2nd respondent dated 16-8-1993 are herewith filed as Annexures 1 and 2 respectively.

h) The applicant submits by proceedings dated 1-10-1993, the D.R.O. in the Collector's Office issued a notice calling upon the applicant to show cause why the false caste certificate obtained by her from the Tahsildar during July 1968 should not be cancelled and that the applicant should appear in the Collector's Office before the Joint Collector on 18-10-1993. *per*

i) The applicant submits it is more significant to ^{note that the} notice issued by the D.R.O calling upon why the certificate should not be cancelled, as it is based on the preliminary report of the Mandal Revenue Officer, Vijayawada, Urban and the Sub-Collector, Vijayawada, against which reports the applicant made a representation to the Central Board of Direct Taxes that a fresh enquiry should be held and the enquiry made by the above two officers was a make-show enquiry. The Central Board of Direct Taxes acceded to the request of the applicant and directed a fresh enquiry, and therefore, the D.R.O. while issuing show cause notice on 1-10-1993 ought not to have relied on the old reports. Therefore the entire enquiry initiated for the second time after direction by the 1st respondent is vitiated for reliance on the 1st report which ought to have been shelved. This notice is filed as Annexure III.

(D)

j) The applicant submits the enquiry did not take place on 18-10-1993 as directed in the notice dated 1-10-1993 and it was postponed to 8-11-1993.

k) The applicant submits she appeared on 8-11-1993 and submitted a detailed representation running into 8 pages bringing out all the facts, in particular bringing out the factum of the applicant renouncing Christianity and accepting Hinduism through Suddhi ceremony at Arya Samaj, Sultan Bazar, on 1-5-1968 and that the acceptance of the community of reconversion to Hinduism as per the certificate issued by the Harijan Uddharak Sangham, and various other certificates issued by prominent members of Madiga community, M.L.As, Ex-M.L.As and certificates issued by the various temples that she is professing Hinduism and various certificates issued by the Pastors that she does not belong to any Church etc. On that day the applicant submitted a detailed representation. The Enquiry Officer i.e., the Joint Collector, directed this applicant to submit the genology table of the family which was submitted on 10-11-1993 enclosing a covering letter. In that letter the applicant made it clear that the enquiry should be confined to the following aspects to determine the social status:

- 1) Whether the forefathers belong to Hindu Madiga caste,
- 2) Whether there is any evidence with regard to re-conversion to Hinduism,
- 3) Whether there is evidence as to the acceptance by Madiga community after such reconversion.

This representation is filed as Annexure IV.

l) The applicant submits ignoring the vital aspects of the enquiry inspite of the representation of this applicant, the 4th respondent directed the applicant by his proceedings dated 17-12-1993 to furnish the full particulars of brothers, sisters, their spouses, their addresses, present residential particulars etc., This notice dated 17-12-1993 is filed as Annexure V.

m) The applicant submits it is not her case that she was a Hindu by birth or Scheduled Caste by birth. Her case is she was born to Christian parents, but reconverted to Hinduism renouncing Christianity on 1-5-1968, and therefore, the question of examining the religion or caste of her brothers, and sisters did not arise for consideration in the enquiry. They are irrelevant for the purpose of determination of the social status of the applicant but yet leaving the essential aspects without enquiry, the enquiry is being made into irrelevant aspects. However, the applicant ^{complied} ~~complied~~ with the requisition and gave the particulars of the brothers and sisters by her representation dated 27-12-1993, which is filed as Annexure VI.

n) The applicant submits in those circumstances when the officers of the Revenue Department are drifting into irrelevant aspects without examining relevant aspects, ^{she} ~~she~~ made a further representation to the 1st respondent seeking for a direction to the Director of Social Welfare to make an enquiry into the matter. Meanwhile as it is still pending the applicant consulted the Counsel as to what is to be done in the matter. The applicant was advised that the State of Andhra Pradesh made

legislation on the subject of verification of social status through Act 16 of 1993, called Andhra Pradesh (Scheduled Castes, Scheduled Tribes, Backward Classes) Reulations of issue of community certificates Act 1993 and Sub-Sec. 5 of the aforesaid Act vests the power of enquiry into the social status claims in the District Collector and none else and the subordinate authorities cannot make an enquiry into that matter inasmuch as if it is found ~~x~~ in such an enquiry the social status certificate is false the person concerned forfeits his job and as well liable for prosecution under Sec. 10. Therefore, the legislature entrusted the matter to the Head of the District instead of subordinate officers.

o) The applicant submits under the administrative orders it is competent for both the District Magistrate and Additional District Magistrate to enquire into the social status claims but after promulgation of this Act the Additional District Magistrate ~~xxx~~ has no such power under the Act.

p) The applicant submits Sec. 5 of the Act 16 of 1993 forbids any officer other than the District Collector to enquire into the social status claims and equally the direction of the 1st respondent is that the District Collector should make an enquiry. Therefore, the applicant was advised that the present enquiry is without jurisdiction. The applicant is also advised that the present enquiry is based on the earlier reports which were ~~xx~~ questioned by this applicant and that, therefore, the enquiry is vitiated and biased. The applicant is also advised that the enquiry is not proceeding in terms of the criteria laid down by the Supreme Court in AIR 1976 SC 9 AIR 1976 SC 1904 and AIR 1984 SC 411. The applicant's representations to the respondent that the enquiry should be

(14)

held by the District Collector but not by subordinate officers is not acceded to. The representation made by the applicant on 4-1-1994 that the enquiry should be held by the District Collector but not the subordinate officers/^{was ignored and the same} is herewith filed as Annexure VII.

q) The applicant submits that as submitted earlier there is a drift in the enquiry and now the Revenue authorities making enquiries ^{as} to the social status, caste and religion of the applicant's brothers, sisters and other relatives are not relevant. The applicant in these circumstances is compelled to file this O.A.. Having been subjected to unfair enquiry in a matter which have a serious conclusion on her civil service and criminal prosecution, she is compelled to move this Hon'ble Tribunal, having no other remedy, on the following among other grounds.

G R O U N D S.

- 1) That the enquiry into the social status at the hands of the 4th respondent is without jurisdiction, inasmuch as Act 16 of 1993 came into force on 8-9-1993 and Sec. 5 thereof vests exclusive jurisdiction in the District Collector for making the enquiries. Sec. 5 further postulates in the Proviso that if the enquiry into the genuineness of the certificate has commenced and is pending at the commencement of the Act, the record thereof shall be transferred to the District Collector, who shall continue the enquiry. In this case the enquiry was initiated by the notice dated 1-10-1993 ~~on the~~

of the District Revenue Officer, directing that the enquiry would be held by the Joint Collector. This is after the commencement of the Act, and therefore, the notice and subsequent proceedings are without jurisdiction and a nullity.

- 2) That the case of the applicant was the earlier enquiries conducted by the Mandal Revenue Officer and Sub-Collector are not regular and proper enquiries. They are perfunctory and a fresh enquiry should be held which was conceded by the Central Board of Direct Taxes, and therefore, the issue of notice on 1-10-1993 basing on the earlier reports which were questioned, and calling upon the applicant to show cause why the social status certificate should not be cancelled on the basis of the earlier reports itself, vitiates the earlier enquiry. The enquiry therefore is void ab initio.
- 3) That the direction of the Central Board of Taxes is that a fresh enquiry has to be held by the District Collector. This direction is in consonance with the provisions of Act 16 of 1993. The enquiry is after all initiated at the instance of the Incometax Department, that they desired that the enquiry should be held by the District Collector, it ought to have been held by the District Collector. There is violation of this direction of the 1st respondent, and therefore, the enquiry is without jurisdiction.
- 4) That where a person claims to be a Scheduled Caste by reconversion to Hinduism, the enquiry has to be

confined to -

- a) Whether the ancestors of the applicants were of a scheduled caste origin i.e., in this case whether they belong to Madiga caste of Scheduled cases
- b) Whether the applicant renounced Christianity and accepted Hinduism,
- c) Whether the certificate produced by the applicant in proof of her assertion that she renounced Christianity and embraced Hinduism is genuine,
- d) Whether the certificate produced by the applicant in support of her claim that she is received back into fold of Madiga community is genine. The enquiry should be made with the Aryasamaj authorities and that they gave the certificate ^{she} that is received back into the community. The enquiry should be made in the native place with the elders of the community and with the neighbours. None of these aspects are being gone into in the enquiry but the enquiry is being conducted as to the social status or religion or caste of the applicant's brothers and sisters which are not relevant. It is not the case of the applicant that she, her brother, sister together renounced Christianity and embraced Hinduism but it is her case that she after she ^{grew up} renounced Christianity, embraced Hinduism and she was accepted into the fold of Madiga community and thereby she is a scheduled caste. The enquiry into irrelevant

aspects and the absence of an enquiry into relevant aspects as laid down by the Hon'ble Supreme Court in AIR 1976 SC 939, AIR 1976 SC 1904 and AIR 1984 SC 411 is totally vitiated and without jurisdiction.

- 5) That the applicant's rights under Art. 14 of the Constitution of India are violated by unfair, unreasonable enquiry.
- 6) That the enquiry affects the fundamental rights of the applicant under Art. 14, 16, 21, 39 and 41 of the Constitution of India.

7. Details of the remedies exhausted:

The applicant declares that he has no alternative remedies except to approach this Hon'ble Tribunal.

8. Matters not previously filed or pending in any other Court.

The applicant further declares that the matters regarding which this application has been made is not pending before any Court of Law or any authority or any other Bench of the Tribunal.

9. Interim Prayer:

In the circumstances it is prayed that the Hon'ble Tribunal may be pleased to stay all further proceedings in the Enquiry by the 4th respondent, pending disposal of the O.A.

10. Main Prayer:

In the circumstances it is prayed that the Hon'ble Tribun

may be pleased to grant appropriate relief declaring that the enquiry initiated by the 4th respondent as arbitrary, illegal, unconstitutional and violative of Act 16 of 1993 and without jurisdiction and issue a consequential direction restraining the 4th respondent from proceeding further with the enquiry and grant such other relief, order or direction as the Hon'ble Tribunal deems fit and proper in the circumstances of the case.

11. Particulars of the postal order in respect of application fee:

1. No. of I.P.O. 80592963 ~~I.P.O. B.C.D.O. REMOVED~~
2. Date of issue of I.P.O. 18-2-94
3. I.P.O. payable at. G.P.O. Hyderabad

12. Details of enclosures:

Vakalat, I.P.O. and Material Papers.

VERIFICATION:

I, Smt. P.V.B. Suman Manoha, daughter of M.J. Satyanandam, aged 46 years, Income Tax Officer, Ward 2, Vijayawada, do hereby verify that the contents from paras 1 to 6 are true to my personal knowledge and belief and that the paras 7 to 12 are believed to be true on advice of the Counsel and that I have not suppressed any material facts of the case.

P. V. B. Suman
COUNSEL FOR THE APPLICANT.

B. Suman
SIGNATURE OF APPLICANT

HYDERABAD:

D/- 21-2-1994.

To

The Registrar,
C.R. Administrative Tribunal, Hyderabad

(19)

DECLARATIONS

(1) The applicant hereby declares that he is not a part to OA/R.P./W.P. pending before this Tribunal or disposed of by this Tribunal/Erstwhile Tribunal/High Court of Andhra Pradesh, in which the same issue or similar controversy is/has been raised.

The applicant is not aware that he is a part to any OA/R.P. pending before this Tribunal or that any OA/RP/WP, has been disposed of by this Tribunal/Erstwhile, Tribunal/High Court of Andhra Pradesh, in which the same issue or similar controversy has been raised.

(2) The applicant hereby further declares that persons likely to be effected are impleaded as Respondents in this application/not impleaded as respondents in this application for the following reasons.

A. U. Krishnamoorthy
Counsel for the Applicant

B. S. Rao
Applicant

NOTE : Any one applicant authorised by the other applicants may sign the declaration.

From

Smt. P.V.B. Suman Manohar,
Incometax Officer,
Ward II, C.R.Buildings,
Bandar Road,
Vijayawada,
Andhra Pradesh.

To

The Member (P&V),
Central Board of Direct Taxes,
North Block,
NEW DELHI-110 001.

THROUGH PROPER CHANNEL

Respected Sir,

Sub: Enquiry as to verification of Social Status
and Caste - Regarding.

- - -

1. I most respectfully submit that it appears a reference was made, based on a complaint given, to the District Collector, Krishna, to make enquiry as to my social status i.e., whether I belong to Scheduled Caste or not.
2. I submit that the District Collector did not make a regular and proper enquiry. The enquiry should be made at my native place or ~~Boranki~~ where my father resided last, from the community elders, from the caste elders and from my neighbours, who can speak as to my professing Hinduism and a member of Madiga Community, attending their ceremonies, rituals etc. Enquiries also should be made from the various places where I worked, either with the Priests or Trustees of the temples and as well as with the Pastors in the Christian Churches, to determine whether I am professing Hinduism or not. None of these essential steps in the enquiry for determination of social status were followed, but simply a Deputy Tahsildar asked me about the social status to which I submitted

P.U.W

..2..

a reply that I have been professing Hinduism and I am a Madiga by caste. Therefore, the Sub-Collector Krishna, gave a notice to me and I have appeared before him and requested for time to submit the relevant documents in proof of my social status. But without waiting for the submission of the relevant documents he appears to have sent a report, based on which the District Collector, without giving me any hearing appears to have sent his report to the Hon'ble Member. In view of the above circumstances of perfunctory enquiry not complying with principles of natural justice and making an enquiry a mockery of justice, I am compelled to file this representation with the relevant documents to the Hon'ble Member, for consideration.

3. I submit all my ancestors belong to Madiga caste of the Scheduled Castes and they were Hindus. I am herewith enclosing the genealogy table as Annexure-I, to this representation.

4. I submit my parents converted to Christianity, may be for the purpose of free education and some job prospects in these days the inducments held out by the foreign missionaries. So far as I am concerned I was never baptised. I was brought up in the Harijan Chet of Madigas and along with them I have been professing Hinduism, participating in the various rituals, ceremonies of Madiga community. The certificate issued by Rev. P. Prabhakar, Presbytor-incharge of Church of South India, dated 14-7-1993 is herewith filed as Annexure II, which shows that I was not baptised and that I was not a member of the Church. The certificate issued by Rev. S.G. Prakasham, Church of South India, Pastor,

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Poranki, dated 7-7-1993 is herewith filed as Annexure-III. The certificate given by Rev. Thomas Jairaj, Church of South India, Wesley Church, Musheerabad, Hyderabad, stating that I am not a member of the Church, which is filed herewith as Annex IV.

5. I submit that though I have been professing and practicing Hinduism from my birth, in the School Records mechanically my caste was recorded as Madiga, my religion was recorded as Christian, based on the religion of my parents. This is a mechanical entry made in the school records when I was admitted in the Elementary School managed by the Missionaries. This entry of religion and caste was mechanically carried in the High School and College records, though I was in practice a Hindu and a Madiga professing Hindu religion, the school records was showing me as a Christian. Noticing this incoggruity, I consulted elders as to how the records are to be set right and I was advised that I should approach Arya Samaj, renounce Christianity and embrace Hinduism through Vedic Dharma and then things can be set right. Accordingly I approached Arya Samaj, Sultan Bazar, on 1-5-1968 as I was then residing at H.No.1-5-69/1, Red Hills, Nampally, Hyderabad. I have renounced Christianity, embraced Hinduism. The certificate issued by the Arya Samaj, Sultan Bazar, is herewith filed as Annexure-V. On reconversion to Hinduism after renouncing Christianity, I was received back in the fold of Madiga Community as is evidenced by the Certificate issued by Harijan Uddharak Sangh, Bolarum, Secunderabad, dated 7-5-1968, which is filed herewith as Annexure-VI.

6. I submit on the authority of the Supreme Court a Christian of a Scheduled Caste origin, if he reconverts to

Hinduism and if the community accepts him as its member, he will be a Scheduled Caste.

- i) AIR 1976 SC. 939
- ii) AIR 1976 SC. 1904
- iii) AIR 1984 SC. 411.

7. I submit that even if there is a doubt cast over my social status, in view of the entries in the school records, this is clarified by my renouncing Christianity and embracing Hinduism in 1968 and further when the community on such reconversion to Hinduism accepted me as a member of the caste. These two documents namely, the documents of 1968 issued by the Arya Samaj, Sultan Bazar and Harijan Uddharak Sangh, Bolarum, Secunderabad, conclusively establish that I am a Scheduled Caste.

8. I submit my marriage with a Christian was equally the subject matter of a suspicion that I was a Christian. The marriage was performed initially on 23-6-1973 in a Pandal before my house as per the customs and practices of Madiga community. Since my husband was a Christian, he wanted the marriage to be regularised in a Christian way, and therefore, it was again performed on 25-2-1974 and I submit that a marriage with a Christian is not conclusive, that I am a Christian. Under Sec. 4 of the Christian Marriage Act, there could be a Christian Marriage if either of the spouses are Christians. The certificate issued by the Christian Leadership Training Centre, Theological Seminary, founded in 1905, is herewith filed as Annexure-VII. Moreover this marriage took place subsequent to my appointment.

9. I submit I am professing Hinduism from inception is evident from the following documents herewith filed from the Pujaries concerned, from the various places I worked.

- a) Certificate issued by Pujari of Sri Kashi Vishweswaraswamy Temple, Governorpet, Vijayawada, as Ann.VIII.
- b) Certificate issued by the temple Pujari Sri Shirdi Saibaba Bhaktasamajam, Vijayawada, as Annexure-IX.
- c) Certificate issued by Valmiki Shramam, Vijayawada, filed as Ann. X.
- d) Certificate issued by Sri Uma Ramalingeshwara-swamy Temple, Jampet, Rajahmundry, filed as Ann. XX.XI.
- e) Certificate issued by permanent Trustee of Sri Devi Trust, Nizamabad, filed as Ann.XII.
- f) Certificate issued by Pujari of Chabramgudi, Nizamabad, filed herewith as Ann.XIII.
- g) Certificate issued by Sri Bobbili Veedhi Hanuman Mandir, Nizamabad, filed herewith as Ann.XIV.
- h) Certificate issued by Sri Durga Bhavani Temple Committee Bowenpally, Secunderabad, filed herewith as Ann. XX XV.

These are the certificates from the various places where I have worked, which establish conclusively that I have been professing and practicing Hinduism throughout.

10. I submit that Madiga caste people are known as Arundhaties. There is an organisation for these Madigas

or Arundathies at Vijayawada, Known as Arundhati Seva Sangham. The Certificate issued by Arundhatheeyas Seva Sangh, that I am a life member of the Organisation, is herewith filed as Annexure-XVI. Only the persons belonging to Madiga or Arundathi caste are members of the organisation, a caste organisation.

11. I submit that I am also filing the certificate issued by the caste elders of Poranki, where ~~is~~ my father last resided that I am following the customs and rituals and that I am a follower of Hindu religion. The same is herewith filed as Annexure-XVII.

I am filing herewith the certificate issued by Tahsildar, Vijayawada, dated 1-7-1968 that I belong to Adi Andhra caste and ~~and~~ ~~be recalled~~ Malas and Madigas are known as Adi Andhras in Andhra Pradesh and as Adi Pravidas in Madras State. This is filed as Annexure-XVIII.

I am filing the certificate issued by Smt. T.N.Sadia-laxmi, former Minister of Andhra Pradesh, who is the President of Babu Jagjivan Ram Welfare Association, Andhra Pradesh, that I am a Hindu and belong to Madiga community. This is filed as Annexure-XIX. I am also filing the certificate issued by C. Narayana, Ex-M.L.A. President of Babu Jagjivan Ram All India Samatha Movement, Andhra Pradesh Branch, Hyderabad, that I am a Scheduled Caste belonging to Madiga caste and I am practicing Hinduism, as Annexure XX. I am filing the certificate issued by Dr. M. Jagannath, President, A.P. State Bandhu Seva Mandali, Hyderabad, which is an organisation

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of Madiga community. This is filed as Annexure XXI. I am also filing the certificate issued by Southern States Adijambavas and Arundhatheeyas Federation, Andhra Pradesh Branch, of the fact that I belong to Madiga caste and I am professing Hinduism and I am associated with the organisation. This is filed as Ann. XXII.

I am also filing the Certificate issued by Andhra Pradesh Scheduled Castes Welfare Association, Krishna Dist. Branch, Vijayawada, to the fact that I am an active member of the Association and that I belong to Scheduled Caste. This is filed herewith as Annexure XXII.

12. I submit that I joined the service on 19-4-1969 and I was a Scheduled Caste, as evidenced by:

- a) The Certificate issued by Arya Samaj, Sultan Bazar, Hyderabad, on 2-5-1968, (Annex-V)
- b) Certificate issued by Harijan Udharka Sangam on 7-5-1968. (Annex-VI)
- c) Caste Certificate issued by the Tahsildar, Vijayawada, on 1-7-1968, (Annex-XVIII)

and the various documents submitted by me now from our caste organisations, caste elders, establish that I am a Hindu and a Scheduled Caste. The certificates submitted by me from the Pastors disclose that I am not a member of any Church. The certificates issued by Temple Pujaris at various places that I have been professing and practicing Hinduism.

13. I therefore, pray that the enquiry initiated against me as to the verification of my social status may be dropped

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or in the alternative all the documents now filed by me may be enquired into and the various persons that issued the certificates may be examined to arrive at the truth of my assertion that I belong to Hindu Madiga caste and I have been professing Hindu religion and that I am indisputably a Scheduled Caste. The originals of the documents will be produced at the time of enquiry.

14. I pray that the Hon'ble Member may give sympathetic and humanitarian consideration to my representation, for which I shall ever be grateful.

Thanking you,

Yours faithfully,

VIJAYAWADA:

Sd/-

Dt:26-7-1993.

(SMT. P.V.B.SUMAN MANCHA)

Encl: As above.

Advance copy submitted to the member, personnel of Vigilance.

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GOVERNMENT OF INDIA
OFFICE OF THE CHIEF COMMISSIONER OF
INCOME-TAX.

Andhra Pradesh, Aayakar Bhavan,
Basheerbagh, Hyderabad-4.

CONFIDENTIAL.

Ref. No. Con. vig. A/57/1718

Dt: 16-8-1993.

MEMORANDUM.

Sub: Verification of social status-Smt.P.V.B.
Suman Manoha, I.T.O.-Reg.

Ref: 1. Her representation dt. 26-7-1993 to the
Member (P&V) C.B.D.T., New Delhi.

2. Board's D.O.Dt. 5-8-1993 to the C.C(I.T) ..
A.P., Hyderabad.

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With reference to the above, the I.T.O. is hereby informed that at the directions of the C.B.D.T., her representation cited at (1) above has been forwarded to the District Collector, Krishna, Machilipatnam - vide this Office letter of even date - for furnishing a fresh report after affording an opportunity of personal hearing and taking into account the relevant factors of the case.

Sd/-

(K.V.L. Narayana Rao),
Dy. Commissioner of Income-Tax,
(H.Qrs.)(Admn.) & (vig),
O/o C.C. (I.T) .. A.P., Hyderabad.

To

Smt. P.V.B. Suman Manoha,
I.T.O., Ward-2, Vijayawada.

Copy to Sri D.M.L. Malhotra, Dy. Secretary-Ad.VII, CBDT,
North Block, New Delhi for information.

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Rc.C7.1076/M/91.

Krishna Dollector's Office,
Machilipatnam, dt.1-10-93.NOTICE

Sub: - Caste Verficiation-Krishna Dist.-Verification
of social status of Smt.P.V.B.Suman Manoha
Income Tax Officer-Enquiry - Reg.

Ref: 1. M.R.O., Vijayawada (U) D.Dis.932/92,
dt.11-11-92.

2. Sub Collector, Vijayawada D.Dis.4086/91,
dt.17-2-93.

3) Lr.No.Con.Vig.A/57/1715, dt:16-8-93 of the

~~----- may used~~

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The enquiries conducted by the Sub-Collector,
Vijayawada and the Mandal Revenue Officer, Vijayawada (Urban)
into the social status of Smt. P.V.B. Manoha, Income Tax
Officer, Machilipatnam/Suman revealed that the individual
belongs to Christian Madiga by caste. She has thus claimed
hereself as Hindu Madiga (S.C.) and secured employment under
Scheduled Caste quota by producing false caste certificate.

Hence, Smt. P.V.B.Suman Manoha, Income Tax Officer,
Machilipatnam should explain why the false caste certificate
obtained by her from the Tahsildar, Vijayawada during July, 1968
should not be cancelled. She should submit her written
explanation within a period of 15 days from the date of receipt
of this notice. She may represent her case in person if she
so desires before the Joint Collector & Additional District
Magistrate, Krishna, Machilipatnam who is the Enquiry Oficer in
this case along with the documentary evidence if any available
with her on the 18th day of October, 1993 at 11-00 A.M. in
Joint Collector's Chambers at Machilipatnam, failing which

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it will be construed that she has no explanation to offer and orders deemed fit will be passed on the material available on record in this office. Copies of the enquiry reports of the Sub Collector, Vijayawada and Mandal ~~Ex~~ Revenue Officer, Vijayawada(Urban) are sent herewith for information.

Sd/-M.Subramanyam,
for Collector, Krishna.

Sd/-

MHHC for Collector

To

Smt. P.V.B.Suman Manohar,
Income Tax Officer,
Ward-II, C.R.Buildings, Bandar Road,
Vijayawada (By R.P.AD).

Copy to Chief Commissioner of Income Tax,
A.P. Aayakar Bhavan,
Basheer Bagh, Hyderabad for information,
Spare Copy to C7. Asst., K.C.O.,

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ANNEXURE-IV.

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To

The District Collector,
Krishna,
MACHILIPATNAM.

Sir,

Sub: ~~Verification~~
Enquiry - Regarding.

Ref: (1) The notice is Rc.No.C7. 1076/
M/91, dt:1-10-1993.

(2) My explanation submitted on
11-11-1993

— — —

In continuation of the enquiry conducted by the Joint Collector on 8-11-93, I submit the following for consideration and appriciation.

My contention is that, to determine whether I belong to Hindu ~~Community~~ ~~Community~~ three basic factors are to be examined.

(1) Whether my fore fathers belong to the Hindu Madiga Caste.

(2) Whether there is any evidence with regard to my reconversion to my original religion on attaining majority inview of my school/college records showing me as a Christian.

(3) Whether there is any evidence to show that I have been accepted by the Madiga Community into its fold on my re-conversion.

With regard to the requisition no. (I), I submit that my fore fathers lived originally as Hindu Madiga at the village Hanumantuni palem, Nandigama Mandal, and now none of them are alive including my own father, his brother and sister, and Cousin of them by name Smt. Elpule Venkamma D/o.Late Manda Veeraiah and W/o late narasaiah, Hanumantuni palem,Nandigama

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Mandalam aged about 80 years alone is alive at Hanumantunipalem my native village. The fact that my forefathers belonged to Hindu Madiga Caste can be enquired either from her or from the revenue records (Genealogy table of father is endorsed)...

Regarding the requirements at 2 and 3 I have already submitted the necessary certificates from the concerned authority. Proof of my reconversion and acceptance by the Madiga Community in to its fold on re-conversion XIV and XV enclosed to my explanation submitted on 8-11-93.

As regards my S.S.L.C. Certificate, as I have already submitted that I have lost it, the T.C. Given by the college may be accepted as it is nothing but the carried forward school record which shows my caste/religion in my school as well as college (submitted already).

I further submit that it is me who contend that, after the death of my father in 1963 and after attaining majority I have decided for myself and reconverted to me original religion by Vadic Ceremony at Aryasamaj, Sultanbazar, Hyderabad and have been accepted back into the fold of the Hindu Madiga Community. The evidences submitted by me in this regard may be considered and accepted that I belong to Hindu Madiga Community.

I further submit that the issue in question is regarding my conversion to Hinduism which pertains to me alone and my sisters and brothers may have no relevance whatsoever with my above issue.

In view of the above the explanation offered by me may be accepted and appreciated.

Yours faithfully,
Sd/-
(Smt. P.V.B.Suman Manohar)

Vijayawada,
Dt:10-11-93.

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ANNEXURE-V.

Rc.C7.1076/M/91.

Krishna Collector's Office,
Machilipatnam, Dt. 17-12-1993.

NOTICE

Sub: CASTE VERIFICATION - Krishna District -
Verification of social status of Smt.
P.V.B.Suman Manoha, Income Tax Officer,
Vijayawada - Enquiry Reg.

Ref: Your representation dt. 10-11-1993.

- - -

During the personal enquiry conducted by the Joint Collector, regarding the verification of social status of Smt. P.V.B.Suman Manoha, Income Tax Officer presently working at Vijayawada, Smt. Suman Manoha has submitted the particulars of her brothers and sisters and their spouses for the personal of the enquiry officer. But in the family tree particulars given by her, the addresses and present residential particulars of her brothers and sisters are not completely furnished.

Hence, Smt. P.V.B.Suman Manoha is hereby directed to furnish the correct and complete address particulars like Surname and names of the spouses with Door No., Street name locality and present residential place etc., immediately for conducting further enquiry in this matter.

Sd/- Neerabh K. Prasad,
Joint Collector, Krishna.

Sd/-
for Jt. Collector.

To

Smt. P.V.B.Suman Manoha,
Income Tax Officer, Ward-II,
C.R. Buildings, Bandar Road,
Vijayawada-2 (By R.P.P)

Copy to the Chief Commissioner of Income Tax, A.P.Ayakar Bhawan, Basheerbagh, Hyderabad-500 004 for information and necessary action.

// TRUE COPY //

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To

The District Collector,
Krishna,
Machilipatnam.

Sir,

Sub: Verification of Social Status-Enquiry-
Regarding.

Ref: The notice is Rc.No.C7.1076/M/91,
dt.1-10-1993.

- - -

1. With reference to the aforesaid notice, I herewith submit the written explanation as desired.
2. I deny the allegations against me that I belong to Christian Madiga, but I claimed as Hindu Madiga, that I secured employment under Scheduled Caste quota by producing false Caste Certificate.
3. I submit the enquiries referred to in support of the aforesaid notice are no enquiries, in as much as an enquiry as to social status should have been made at my native place in which the community elders, my neighbours ought to have been examined to ascertain whether I professed Hinduism, whether I am a member of Madiga community participating in various customs, ceremonies, rituals of the community. The enquiry should have been extended to ascertain from the various Christian Churches and Hindu Temples in the places I worked as to whether I am professing Christianity or Hinduism. There was no such oral enquiry required to determine the social status but there was some casual interrogation without giving me a proper opportunity to produce all the relevant and the genuine documents and therefore I sought from the Income

Tax Department a denovo fullpledged enquiry. Therefore the notice issued to me based on such perfunctory enquiry which effects my livelihood is misconceived. I deny all the allegations.

4. I submit that the sin committed by me appears to be that my parents who are of Scheduled Caste Origin i.e. who belong to Madiga Community happend to be converted to Christianity, may be due to certain inducement held out by the foreign missionaries during the British Regime, which was not uncommon in India or otherwise many of the so called convert Christians now would have continued as Hindus. This is a Historical Truth one could rationally analyse a Scheduled Caste who were treated as an untouchables, then and now, who are in the lowest social status of the Indian Society, who are hostacised, who are economically culturally subjagated or forced to convert to Christianity, probably for a morsel of food or other economic interest. This is an undeniable fact of Indian History. My parents are one of those victims.

5. I submit that it is wrong to presume that a child born to Christian parents is invariably a Christian. In Christianity there is what is known as cermony of "Baptism" through which alone one could become a Christian but not otherwise.

6. I submit I was never Baptised. I was born and brought up in a Harijan Cherry in the outskirts of the village that is in a madiga Cherry, among the member of Madiga Community most of whom profess and practise Hinduism. I was attracted to more Hindu Temples, tenets of the members of my community among who I was born and brought up.

7. I submit that from my childhood I have been professing and practicing Hindu religion and I am a member of Madiga Caste.

8. I submit that to establish my claim that I was not Baptised and that I am not professing Christianity I am herewith furnishing copies of following certificates:

- a) The Certificate issued by Rev.P.Prabhakar, Presbyster-incharge of Church of South India, Vijayawada, where I am presently working, dated 14-7-1993 which is marked as Annexure-I.
- b) The Certificate dated 7-7-1993 issued by Rev.S.G.Prakasam, Church of South India, Pastor Poranki. This is marked as Annexure-II.
- c) The Certificate dated 19-7-1993 issued by Rev. Thomas Jai Raj, C.S.I. Wesley Church, Musheerabad, Hyderabad. This is marked as Annexure-III.
- d) The Certificate dated 30-7-1993 issued by Rev. K.A.J. Christopher, Presbyter-incharge of C.S.I. Shakkarnagar, Nizamabad. This is marked as Annexure-IV.

9. I submit that the above Certificates are issued by local Churches where I worked during my tenure.

10. I submit that I have been professing Hinduism from inception is evident from the following documents herewith filed from the pujaries concerned, from the various places I worked.

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- a) Certificate issued by pujari of Sri Kashi Visweswara swamy Temple, Government, Vijayawada-Annexure-V.
- b) Certificate issued by the temple pujari Shri Shiridi Saibaba Bhaktasamajam, Vijayawada-Annexure-VI.
- c) Certificate issued by Valmiki Ashramam, Vijayawada-Annexure-VII.
- d) Certificate issued by Sri Uma Ramalingeswara Swamy Temple, Jampet, Rajahmundry-Annexure-VIII.
- e) Certificate issued by permanent Trustee of Sri Devi Trust, Nizamabad-Annexure-IX.
- f) Certificate issued by pujari Nizamabad-Annexure-X.
- g) Certificate issued by Sri Bobbili Veedhi Hanuman Mandir, Nizamabad-Annexure-Xi.
- h) Certificate issued by Sri Durga Bhavani Temple Committee, Bowenpally, Secunderabad-Annexure-XII.

These are the certificates from the various places where I worked, which establish conclusively that I have been professing and practising Hinduism throughout.

11. I submit that myself and my ancestors belong to Madiga community of Scheduled Caste. I am herewith submitting the Geneology table which is marked as Annexure-XIII.

12. I submit that when I was a child and when I was admitted in the village elementary school, Thotaravulapadu Nandigama Taluk, Krishna District, it was recorded mechanically as a Christian. This is not out of my volition.

This is a mechanical entry. Since my parents by then got converted to Christianity the Head Master concerned might have recorded my religion as Christian and Caste as Madiga instead of my religion as Hindu and Caste Madiga. This initial wrong entry got mechanically carried out in High School and College for which there is neither my consent nor volition nor I could be held responsible.

13. I submit that I have evidences that in real life I am a Hindu professing Hinduism, practising various customs, rituals and practices of Madiga Community, but the scholastic record show that I am a Madiga by Caste and Christian by religion. There was thus a controversy.

14. I, therefore, on the advice of the elders and to satisfy my conscience, I have renounced Christianity and publically and openly embraced Hinduism through the Vedic Ceremony at Arya Samaj Sultan Bazaar on 1-5-1968 as I was then residing at H.No. 1-5-69/1, Red Hills, Nampally, Hyderabad. The certificate dated 2-5-1968 issued by Arya Samaj, Sultan Bazaar is herewith filed as Annexure-XIV.

15. I submit that Consequent on my regouncing Christianity and embracing Hinduism I was received back in to the fold of Madiga Community of Scheduled Caste. I am herewith furnishing Certificate dated 7-5-1968 issued by the Harijan Udhark Sangh, Bollaram-Annexure-XV.

16. I submit that it is a well settled law as laid down by various Supreme Court decissions, that a Christian whose ancestors are Scheduled Caste, if he reconverts into Hinduism and if he is accepted by the Community on such reconversion in to Hinduism will be a member of Scheduled Caste Community. *Orly*

a) A.I.R. 1976 S.C. 939 (Copy enclosed)

b) A.I.R. 1976 S.C. 1904 (Copy enclosed)

c) A.I.R. 1984 S.C. 411 (Copy enclosed)

17. a) I submit that Madiga Caste people are known as Arundhatiyas. There is an organisation for these Madigas or Arundhatiyas at Vijayawada, known as Arundhathi Seva Sangham. The Certificate issued by Arundhathi Seva Sangham that I am a life member of this organisation, is herewith filed as Annexure-XVI. The members of the Arundhathi Caste are members of the organisation, a Caste organisation.

b) I submit that I am also filing the Certificate issued by the Caste elders of Poranki, where my father last resided, that I am following the customs and rituals and that I am a follower of Hindu Religion. The same is herewith filed as Annexure-XVII.

c) I am filing the Certificate issued by Smt. T.N. Sada Lakshmi, former Minister of Andhra Pradesh, who is the President of Babu Jagjivan Ram Welfare Association, Andhra Pradesh, that I am a Hindu and belong to Madiga Community. This is filed as Annexure-XVIII. I am also filing the certificate issued by Sri C.Narayana, Ex-M:L.A. President of Babu Jagjivan Ram All India Samatha Movement, Andhra Pradesh Branch, Hyderabad, that I am a Scheduled Caste belonging to Madiga Caste and I am Practising Hinduism, as Annexure-XIX. I am filing the Certificate issued by Dr. M. Jagannadh, President, A.P.State Bandhu Seva Mandali, Hyderabad which is an organisation of Madiga Community. This is filed as Annexure-XX. I am also filing the Certificate issued by Southern States Adi Jambavas and Arundhateeyas

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Federation, Andhra Pradesh Branch, of the fact that I belong to Madiga Caste and I am professing Hinduism and I am associated with the Organisation. Annexure-XXI. Certificate issued by Shri Devineni Rajasekhar (NEHRU) M.L.A., Kankipadu constituency, that I am a Scheduled Caste belonging to Madiga Community, and I am practising Hinduism as Annexure-XXI(a). Certificate issued by Shri B.S. Jayaraj, Ex-M.L.A., and president of TDP, Vijayawada Urban that I am a Scheduled Caste belonging to Madiga Caste, and I am practising Hinduism as Annexure-XXI (b)

d) I am also filing the certificate issued by Andhra Pradesh Scheduled Caste Welfare Association, Krishna District Branch, Vijayawada, to the fact that I am an active member of the Association and that I belong to Scheduled Caste. This is filed herewith as Annexure-XXII.

18. I submit that I joined the service on 19-4-1969 and I am a Scheduled Caste, as evidenced by:

- a) The certificate issued by Arya Samaj, Sultan Bazar, Hyderabad, on 2-5-1968 (Annexure-XIV)
- b) The certificate issued by Harijan Udharka Sangam on 7-5-1968. (Annexure-XV)
- c) Caste Certificate issued by the Tahsildar, Vijayawada, on 1-7-1968. (Annexure-XXIII).

and the various documents submitted by me now from our Caste Organisations, Caste elders, establish that I am a Hindu and a Scheduled Caste. The certificates submitted by me from the pastors disclose that I am not a member of any church and the certificates issued by Temple pujaris at various places that I have been professing and practising Hinduism.

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19. I submit an inference appears to have been drawn that since my marriage was performed with Sri Manoha under Christian marriage Act that I am a Christian, but not Hindu. Under Christian marriage Act if either of the spouses are christians the marriage can be performed under Christian marriage Act. I am a Hindu and my husband is a christian and my husband party insisted for a christian marriage and therefore I had no other go. It is not uncommon in India that persons of the same caste though belong to different religion marry. That is what happened in my case. Therefore the marriage of a _____
the other spouse who is Hindu is a Christian (extract of sec.4 of the India Christian Marriage Act is enclosed).

20. I therefore pray that the enquiry initiated against me as to the verification of my social status may be dropped in view of all the documents now filed by me an insight of which lands one at the truth of my assertion that I belong to Hindu Madiga Caste and I have been professing Hindu religion and that I am indisputably a Scheduled Caste. The originals of the documents will be produced at the time of enquiry.

Thanking you,

Yours faithfully,

Sd/-
(SMT. P.V.B. SUMAN MANOHA)

VIJAYAWADA,

DATE: 18-10-1993
8-11-1993.

// TRUE COPY //

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QVY

To

The District Collector,
Krishna District,
Machilipatnam.

Sir,

Sub: Enquiry into social status by Competent Authority - Request - Reg.

I submit that an enquiry has been initiated to enquire into my social status - whether I belong to Scheduled Caste or a Christian.

2. I submit that Sec. 5 of Act 16 of 1993 forbids any officer other than the District Collector to enquire into the social status claims. In my case the Joint Collector, Machilipatnam, Krishna District is conducting enquiry based on the earlier enquiries conducted by Mandal Revenue Officer.

3. I submit that as per the said Act, the Joint Collector is not the competent authority to conduct the enquiry. Therefore, I request your goodself to conduct the enquiry.

Thanking you,

Yours faithfully,

4.1.94

Sd/- P.V.B. Suman Manohar.

/True Copy/

PV

43
:: 24 ::

Annex-VIII.

Regd. No. 275 of 19858

HARIJAN UDHARAK SANGH

H.No.1735, Risala Bazar, Pensionpura, Bolarum,
Secunderabad-10(A.P)

G.U. DHONDIRAM
Chairman

J.N. PEERAH

Vice-Chairman

R.S. GAEKWAD

General Secretary/Treasur

Ex-Cantt. Board Member.

Date: 27-5-1968.

C E R T I F I C A T E

This is to certify that Kum Manda Vijaya Bharathi
Daughter of Shri Manda Sathya Nandam aged about 20 years.
a resident of H.No.11-5-69/1, Red Hills, Nampalli,
Hyderabad, Whose Ancestors belongs to MADIGA Community
of the Scheduled Caste Demounced Christianity and
Publicly Embraced HINDUISM through VEDIC DHARMA on
1-5-1968 as per the Certificate issued by the Arya
Samaj Mandir, Sultan Bazar, Hyderabad, vide Certificate
issued by them Dated 2nd. may, 1968. As such she is
ACCEPTED and Received Back into the fold of the 'MADIGA'
Community i.e. ~~Non~~ Scheduled Caste and to this She is
Entitled to Participate in all FESTIVALS & RITUALS of
the Community as a FULL MEMBER of the Caste.

Sd/-

(G.U. DHONDIRAM)
Chairman

216 // TRUE COPY //

434

:: 23 ::

To

The District Collector,
Krishna,
Machilipatnam.

Madam,

Sub:- Caste verification - Krishna District-
Verification of Social Status of
Smt. P.V.B. Suman Manoha, I.T.O.,
Vijayawada - Enquiry - Regarding.

Ref:- J.C's Notice in RC. 7-1076/M/91,
dated 17-12-1993.

- - -

With reference to the aforesaid notice, I herewith
submit the information required in the Annexure enclosed.

In respect of item No.s. 1,5,6 & both the parents-
in-law have expired and there is nobody to contact in
those places.

In respect of item No.2 My brother and his father-
in-law also expired. However my sister-in-law's present
address is furnished.

In respect of item No.7 the father-in-law of my
brother is no more and my brother's present residential
address is furnished.

I once again request that the information filed by
me may be accepted and appreciated.

Yours faithfully,

Sd/-
(SMT. P.V.B. SUMAN MANOHA)
(EMXX)

Vijayawada,

DATE: 27-12-'93.

✓ // TRUE COPY //

....

45

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

Date : 22-2-94

To O.A. Regd. No. 177/94
Mr. G. Vedantam, Advocate

I am to request you to furnish the date of issue of this letter; failing which your application in your application within 14 days from Rule 5 (4) will follow.

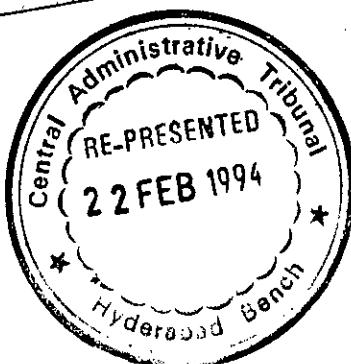
1. *Indrajeet metred papers should be signed by the counsel.*
2. *Medals Particulars of the enquiry notice should be furnished in Para 3.*
3. *copy of impugned notice only to be exhibited to the respondents (8 copies)*
4. *copy of impugned notice only to be exhibited to the respondents (8 copies) and the other metred papers are to be filed separately.*



objection

Complied with on 22-2-94

S. Nair



10.

11.

12.

13.

14.

15.

Prasanna
Deputy Registrar (Judl)

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD
O.A.NO. 235/94.

Date of Order: 4-3-94.

Between:

Smt. P.v.B.Suman Manohar

.. Applicant.

and

1. Central Board of Direct Taxes
rep. by Deputy Secretary, Ad.VII
C.B.D.T. North Block, New Delhi.

2. The Chief Commissioner, Income tax,

3. The District Collector, Krishna Dist,
Machilipatnam.

4. The Joint Collector, Krishna Dist,
Machilipatnam.

.. Respondents.

For the Applicant: Mr.G.vedantha Rao, Advocate

For the Respondents: Mr.N.R Devraj, Sr.CGSC.

CORAM:

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

THE HON'BLE MR.A.B.GORTHI : MEMBER(ADMN)

The Tribunal made the following Order:-

Notice before admission. Status-quo as on today
until further orders. Post on 8.3.1994 at 2.15 p.m.

Aranya
Deputy Registrar(J)CC.

To

1. The Deputy Secretary, Ad.VII,
Central Board of Direct Taxes, C.B.D.T. North Block, New Delhi.
2. The Chief Commissioner, Income tax, A.P.
Ayakar Bhavan, Bashirbagh, Hyderabad.
3. The District Collector, Krishna Dist. Machilipatnam.
4. The Joint Collector, Krishna Dist, Machilipatnam.
5. One copy to Mr.G.vedanta Rao, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Mr.D.Panduranga Reddy, Spl.Cojnsel for A.P.Govt.CAT.
8. One spare copy.

pvm

Viswanath Rao
3/4/347

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

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

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

AND

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

Dated: 6-3-1994. *for 1st*

ORDER/JUDGEMENT. *for 2nd & 3rd*

on 8/3/94 at 2:15 P.M.

M.A./R.A/C.A. No. *Copy*

in

O.A.No. 235/94.

T.A.No.

(W.P.No.)

Admitted and Interim Directions
issued.

Allowed. *post on 8/3/94 at 2:15 P.M.*

Disposed of with Directions. *→*

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs. *DA*

pvm

DA 6-3-1994

1048

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. No. 235 of 1994

Between

P.V.B.Suman Manohar ..

Applicant

and

Central Board of Direct Taxes
represented by Deputy Secretary, Ad.VII
C.B.D.T., North Block, New Delhi
and three others ..

Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS 1 AND 2

I, P.Radhakrishnan, S/o S.Ponnuswamy, aged about 56 years, Occupation: Government Service do hereby affirm and state as follows:

1. I am the Chief Commissioner of Incometax, Andhra Pradesh, Hyderabad and Respondent No.2 and as such I am fully acquainted with all facts of the case. I am filing this Counter Affidavit on behalf of the Respondents 1 and 2 as I have been authorised to do so. The material averments in the O.A. are denied save those that are specifically admitted hereunder. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder:

1 and 2 submit as under:

1) The applicant is impugning the inquiry initiated by the 4th respondent to verify the social status claim of the applicant on the grounds, inter alia, that it was contrary to the direction of the Central Board of Direct Taxes that the District Collector, Krishna District should make an enquiry. The applicant avers that the Incometax Department asked the District Collector to inquire into the matter of the social status of the applicant, on a malicious petition, and that the Collector sent a report, based on a perfunctory enquiry, to the Incometax Department that the applicant is a Christian but not a Scheduled Caste candidate. The applicant

Page No.1

Corrections: NIL

DEPONENT
(P. RADHAKRISHNAN)

Chief Commissioner of Incometax
Andhra Pradesh, Hyderabad.

ATTESTOR
G. Srinivasa Rao

Asst. Commissioner of Income-tax
(H. Qrs.) (Vigilance)
HYDERABAD-4.

contd... 2

seq

avers that she made a representation to the 1st respondent (the Central Board of Direct Taxes) that the District Collector make a regular and proper enquiry and that the Central Board of Direct Taxes, after considering the representation, directed that the matter should be enquired into and a fresh report be furnished after affording an opportunity to the applicant. The applicant avers that the show cause notice dated 1-10-1993 issued by the D.R.O. calling upon the applicant why the false caste certificate should not be cancelled was based on the old reports and that the entire enquiry initiated for the second time is vitiated for reliance on the 1st report which ought to have been shelved after direction by the 1st respondent for a fresh enquiry. The applicant further avers that she made a further representation to the 1st respondent seeking for a direction to the Director of Social Welfare to make an enquiry into the matter as the Officers of the Revenue Department were drifting into irrelevant aspects without examining relevant aspects. The applicant also avers in ground No.2 on page 10 of the O.A. that the enquiry is void ab initio as the earlier enquiries were not regular and proper and that they were perfunctory and a fresh enquiry should be held as conceded by the Central Board of Direct Taxes and in ground No.3 that the enquiry was without jurisdiction as the enquiry was initiated at the instance of the Incometax Department and that when they desired that the enquiry should be held by the District Collector it ought to have been held by the District Collector.

In reply to the above averments of the applicant, it is submitted that the Collector, Krishna District was requested to take steps for the cancellation of the certificate which declared the applicant as belonging to Scheduled Caste community (in view of the findings in the enquiries by the State authority that the applicant belongs to 'Christian' Community and not 'Hindu-Madiga' as claimed by the applicant). It was decided to refer the case back to the State Government with a request to give a fresh report after giving opportunity to the applicant to present her case. This was in view of the representation of the applicant dated 26-7-1993 to the first respondent. The matter was accordingly referred back to the Collector & District Magistrate, Krishna District, Machilipatnam with a request for a fresh report. The intention behind the reference of the

Page No.2

Corrections: NIL

DEPONENT
(P. RADHAKRISHNAN)

2/8 Chief Commissioner of Incometax
Andhra Pradesh, Hyderabad.

WITNESS
Asst. Commr. G. Srinivasa Rao
(H. Qrs.) (Vigilance)
HYDERABAD-4.

In the C. A. T.

From: D. M.

OA 235/94

Reply Statement



Filed by:-

N. R. Devaraj
Sv. Chsl

matter back to the concerned State authorities was that the applicant may be given a reasonable opportunity to present her case before the State Authorities. The issue of caste certificate falls within the jurisdiction of the State Authorities and there was no intention to question the authority of the District Officer or the enquiry being made by them. It is further stated that the authority of superintendence of the Central Board of Direct Taxes is confined to its field formations and there is no constitutional or legal validity in the contention of the applicant that these directions will have any operationability in the matter of enquiry being conducted by the State Authorities into validity of caste certificate. The area of jurisdiction of the respondents 1 and 2 in the O.A. (The Central Board of Direct Taxes and Commissioner of Incometax) as an employer and that of the State authorities into caste certificate are clearly exclusive of each other. The respondents 1 and 2 crave leave this Hon'ble Tribunal to peruse the Counter Affidavit of respondents 3 and 4 as far as the allegations concerning to the State Government.

For the reasons stated above, the applicant has not made out any case either on facts or on law and there is no merit in the O.A. It is, therefore, prayed that this Honourable Court may be pleased to dismiss the O.A. with costs and pass such order or orders as this Honourable Court may deem fit and proper in the circumstances.

Page No.3

Corrections: NIL


DEPONENT
(P. RADHAKRISHNAN)
3/19 Chief Commissioner of Income-tax
Andhra Pradesh, Hyderabad

Solemnly and sincerely affirmed this
19th day of January, 1995 and he signed
his name in my presence. Before me.

ATTESTED

G. Srikrishna Rao
Asst. Commissioner of Income-tax
(H. Qrs.) (Vigilance)
HYDERABAD-4.

II Court

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

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

235/ay

Original Application No.

253/ay 199

Transfer Application No.

OLD PETITION NO.

Certified

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room(Decided).

Dated: 17/3/97

Counter Signed,

Court Officer/Section Officer
YLR

Signature of the Dealing Asst.

* * * *

(50)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

235
O.A.No. 253/94

Date of Order: 3.3.97

BETWEEN :

Smt. P.V.B. Suman Manohar

.. Applicant.

AND

1. Central Board of Direct Taxes,
rep. by Deputy Secretary, Ad.VII
C.B.D.T., North Block, New Delhi.

2. The Chief Commissioner, Incometax,
Andhra Pradesh Ayakar Bhavan,
Bashirbagh, Hyderabad.

3. The District Collector, Krishna
District, Machilipatnam.

4. The Joint Collector, Krishna
District, Machilipatnam.

.. Respondents.

Counsel for the Applicant

.. Mr. G. Vedantha Rao

Counsel for the respondents

.. Mr. N.R. Devraj

.. Mr. P. Naveen Rao for

R-3 and R-4

— — —

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

X Oral order as per Hon'ble Shri Jai Parameshwar, Member (J) X

— — —

None for the applicant. Heard Mr. W. Satyanarayana for
Mr. N.R. Devraj, learned counsel for the respondents and Mr. P.
Naveen Rao, learned counsel for the State of A.P.

2. The applicant claims to belong to SC Community. She
submits that she joined the Incometax Department as a direct
recruit U.D.C. on 19.4.69. Further she appeared for the post

TJ

.. 2 ..

of Incometax Inspector during the year 1974. It is her case that she married Dr. ~~Samanth~~ ^{that} Manoha and that ^{that} marriage was broke down during 1990. Her caste was considered by the Collector and after due enquiry DRC in the office of the Collector. The enquiry was initiated by the office of the Collector. The applicant has filed this OA challenging the enquiry proceedings in this OA to declare that the enquiry initiated by R-4 as arbitrary, unconstitutional and violative of Article 14 of the Constitution of India.

3. The respondents have filed counter stating that the enquiry initiated by R-4 was to verify the social status of the applicant that the Collector ^{was} requested to take steps for cancellation of the certificate by which she was declaring as belonging to SC community this was in view of the representation dt. 26.7.93 made by the applicant to the respondents ^{and} that this Tribunal has no jurisdiction to consider the claim of the applicant.

4. The respondents 3 and 4 also filed the counter stating that on a complaint received in the Incometax department a preliminary investigation was made that the applicant working as Incometax Officer at Vijayawada was born to Christian parents. Thereby the Deputy Commissioner of Income Tax (Head quarters) Administration and vigilance while reporting the above facts, requested the Collector, Krishna on 13.5.91 to take necessary action for cancellation of the caste certificate issued by him, that the matter was referred to Sub-Collector, Vijayawada for enquiry and Sub-Collector reported that she married a Christian on 23.6.73 that the applicant did not adduced any evidence to that effect that she had converted to Hinduism prior to ^{the date} she got appointed under S.C. quota that she did not produce any evidence to support her claim as belonging to SC category excepts saying that she had ~~been~~ visited Hindu temples for the last 2 years

R

that the Joint Collector as per the G.O.Ms.No.282 S.W. (J.II) Deptt., dated 19.12.88 that while the enquiry was under the process, the applicant filed the present OA questioning the enquiry proceedings that immediately after enforcement of Act 16 of 1993 the Collector and District Magistrate has taken up the enquiry that he is the competent authority under the terms of the said Act that the particulars furnished by the applicant pertain to her employment and require verification that the District Collector conducted ^{an} enquiry after giving due opportunity to the applicant and that there are no grounds to interfere with the enquiry proceedings.

5. In case the applicant feels aggrieved against the proceeding initiated against her in terms of ^{the} Act 16 of 1993 it is for her to approach appropriate judicial forum. This Tribunal has no jurisdiction to interfere with the enquiry proceedings initiated by the Respondent No.3 and 4 to ascertain her caste status. Hence this Tribunal has no jurisdiction to consider the various contentions raised in this OA. Hence the following direction is given:-

Return the OA to the petitioner for being presented before the competent judicial forum.

6. No costs.


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

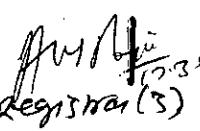
3/3/97

Dated: 3rd March, 1997

(Dictated in Open Court)

sd


(R.RANGARAJA N)
Member (Admn.)


D.Y. Registrar (S)

Copy per:

1. Type Deputy Secretary, A.G., M.I., Counter, Bazaar
2. Direct Tax, C.B.D.T., Matheran (Black), New Delhi
3. The Chief Commisssioner, Income-tax, Ayakar Bhawan
4. The Director of Coffer, Kutchhia District, Machhindranagar
5. One copy to Smt. G. Venkateswara Rao, Advocate, C.A.T., Hyderabad
6. One copy to Smt. N.R. Devantri, Smt. C.R.C.A.T., Hyderabad
7. One copy to Smt. B. Nivedita Rao, Smt. A.P.A.C.A.T., Hyderabad
8. One copy to Deputy Registrar (A), T.A.T., Hyderabad
9. One copy to Smt. S. S. Jaiji Bhandarkar, Smt. C.A.T., Hyderabad
10. One copy to Mr. B. S. Jaiji Bhandarkar, Smt. C.A.T., Hyderabad

Amrit

(54)

: 4 :

Copy to:-

1. The Deputy Secretary, Ad. VII, Central Board of Direct Taxes, C.B.D.T. North Block, New Delhi.
2. The Chief Commissioner, Incometax, A.P. Ayakar Bhavan, Basheerbagh, Hyd.
3. - - - - - Krishna Dist. Machlipatnam.
4. The Joint Collector, Krishna District, Machlipatnam.
5. One copy to Sri. G.Vedantha Rao, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Sri. P.Naveen Rao, SC for A.P., CAT, Hyd.
8. One copy to Deputy Registrar(A), CAT, Hyd.
9. One spare copy.
10. One copy to Hon'ble Mr. B.S.Jai Parameswar, JM, CAT, Hyd.

Rsm/-

KUMAR
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TYPED BY
COMPIRED 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 B.S.JAI PARAMESWARI: M(J)

DATED:

3/3/97.

ORDER/JUDGEMENT

R.A. /S.P/M.A. No.

O.A. No.

int 23594

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLIED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
DESPATCH

24 MAR 1997

हैदराबाद आयोड
HYDERABAD BENCH

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3. The respondents have filed counter stating that the enquiry initiated by R-4 was to verify the social status of the applicant that the Collector ^{was} requested to take steps for cancellation of the certificate by which she was declaring as belonging to SC community that it was decided to refer the case to the State Government that this was in view of the representation dt. 26.7.93 made by the ^{and} applicant to the respondents that this Tribunal has no jurisdiction to consider the claim of the applicant.

4. The respondents 3 and 4 also filed the counter stating that on a complaint received in the Incometax department a preliminary investigation was made that the applicant working as Incometax Officer at Vijayawada was born to Christian parents. Thereby the Deputy Commissioner of Income Tax (Head quarters) Administration and vigilance while reporting the above facts, requested the Collector, Krishna on 13.5.91 to take necessary action for cancellation of the caste certificate issued by him, that the matter was referred to Sub-Collector, Vijayawada for enquiry and Sub-Collector reported that she married a Christian on 23.6.73 that the applicant did not adduced any evidence to that effect that she had converted to Hinduism prior to ^{the date} she got appointed under S.C. quota that she did not produce any evidence to support her claim as belonging to SC category ~~excepts~~ saying that she had ~~been~~ visited Hindu temples for the last 2 years

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

23
O.A.No. 253/94

Date of Order: 3.3.97

BETWEEN:

Smt. P.V.B. Suman Manohar

.. Applicant.

AND

1. Central Board of Direct Taxes,
rep. by Deputy Secretary, Ad.VII
C.B.D.T., North Block, New Delhi.
2. The Chief Commissioner, Incometax,
Andhra Pradesh Ayakar Bhavan,
Bashirbagh, Hyderabad.
3. The District Collector, Krishna
District, Machilipatnam.
4. The Joint Collector, Krishna
District, Machilipatnam.

.. Respondents.



Counsel for the Applicant

.. Mr. G. Vedantha Rao

Counsel for the respondents

.. Mr. N.R. Devraj

.. Mr. P. Naveen Rao for

R-3 and R-4

CORAM:

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

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

JUDGEMENT

X Oral order as per Hon'ble Shri Jai Parameshwar, Member (J) X

None for the applicant. Heard Mr. W. Satyanarayana for Mr. N.R. Devraj, learned counsel for the respondents and Mr. P. Naveen Rao, learned counsel for the State of A.P.

2. The applicant claims to belong to SC Community. She submits that she joined the Incometax Department as a direct recruit U.D.C. on 19.4.69. Further she appeared for the post

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5. In case the applicant feels aggrieved against the proceeding initiated against her in terms of ^{the} Act 16 of 1993 it is for her to approach appropriate judicial forum. This Tribunal has no jurisdiction to interfere with the enquiry proceedings initiated by the Respondent No.3 and 4 to ascertain her caste status. Hence this Tribunal has no jurisdiction to consider the various contentions raised in this OA. Hence the following direction is given :-

Return the OA to the petitioner for being presented before the competent judicial forum.

6. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

M. M. S.
1981

प्रमाणित कीजारी
COUNT OFFICER
प्रमाणित कार्यालय विभाग
Central Administrative Tribunal
हैदराबाद बैठक
HYDERABAD BENCH