

(148)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.964/96

dt. 21-3-97

Between

B. Venkataiah

: Applicant

and

1. Union of India, rep. by
its Secretary
Dept. of Posts
New Delhi

2. Supdt. of Post Offices
Peddapalli Division
Peddapalli
Karimnagar-172

: Respondents

Counsel for the applicant

: B. Nalin Kumar
Advocate

Counsel for the respondents

: V. Vinod Kumar
Addl. CGSC

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

21/3

Judgement

(Oral order per Hon. Mr. H. Rajendra Prasad, Member (Admn)

Heard Ms. Padma on behalf of Sri B. Nalin Kumar for the applicant, and Sri V. Vinod Kumar for the respondents.

1. The applicant, while working as EDDA, Jyothi Nagar Sub-Post Office in Peddapalli Postal Division, appeared at the examination for promotion to Postman, ^{succeeded} and was duly selected as one belonging to OBC Group vide Annexure-1 to OA. Subsequently, there appeared to be some doubts entertained by the Department as regards his caste, and whether the caste to which he belongs to comes under OBC. He was therefore asked to produce a certificate to the effect that he belongs to some other caste, which he had in any case not claimed initially. This action of the Department is stated to be based on the opinion of RDO, Manthani, in connection with some enquiry made in the wake of certain complaints which were received by the Department in this regard. It is mentioned that RDO, Manthani, was of the view that the people residing in Gangaram village (the native place of the applicant) belong to 'Reddy-Gandla' caste. It is, however, noted that the MRO, Kataram, had earlier certified that the applicant belongs to 'Gandla' caste. There was also an element of doubt in the case on account of a slight discrepancy in the name of the applicant as mentioned in the certificate issued by the MRO; the discrepancy was, however, subsequently rectified and it was certified by the said MRO that the earlier certificate did indeed pertain to the applicant. It is now revealed that

the whole case has been referred, in May 1996, to Collector, Karimnagar, for a final decision in the matter. There has been no further progress in the case while the applicant is awaiting absorption as Postman on the strength of his success in the examination and consequent selection.

2. It has been clarified by the respondents that the selection of the applicant is not cancelled so far, and that a vacancy still exists in the Division which is kept unfilled pending disposal of this OA.

3. The basic issue here is the question as to whether or not the community claimed by the applicant, and certified by the MRO, comes under OBC. Nothing has been stated by any authority so far that the certificate produced by the applicant is non-genuine or that the 'Gandla' community to which he belongs does not come under OBC category. The entire case seems to have taken an unintentionally different course merely on a general and vague statement of RDO, Manthani, to the effect that there are no members belonging to 'Gandla' community in Kataram, a statement which does not in any case conclusively establish that not a single person belonging to Gandla community is a resident of the village. This has resulted in a curious situation wherein the applicant is being asked to produce a certificate of caste to which he neither belongs nor did he ever claim to belong.

4. This is entirely incomprehensible and there does not appear any basis or justification for the respondents' insistence on a certificate from the applicant that he belongs to 'Reddy-Gandla' caste.

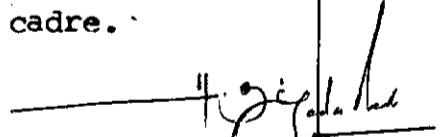
5. Taking into consideration the facts of the case as revealed by the record, and the submissions of the learned counsels, it is felt that it would be just and proper to

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direct the respondents to issue an offer of appointment to the applicant, for the post he was selected for, without further delay, in the existing vacancy. Since, however, the matter is reported to have been referred to the District Collector, it would also be necessary, as a matter of abundant precaution, that, while offering such appointment, the applicant shall be cautioned in clear terms that his further continuance in the post, to which he is so appointed, shall be subject to the outcome of the inquiry now underway with Collector, Karimnagar. As a matter of further precaution, it is also directed that the post of EDDA, ^{Jyotinagar} ~~Ketaram~~, should not be filled upon regular basis until the question of the applicant's continuance in the post of Postman is decided on the basis of the Collector's findings.

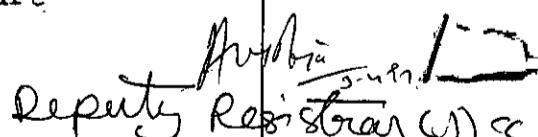
In case the Department decides to let the applicant continue as Postman on the basis of the findings of the District Collector, the seniority of the applicant in the cadre of Postman shall have to be reckoned from the date his immediate junior in the list of successful candidates commenced his service in the said cadre.

6. Thus the OA is disposed of.


(H. Rajendra Prasad)
Member (Admn)

Dated : March 21, 97
Dictated in Open Court

sk


Deputy Registrar (W.C.C)

O.A.964/96

To

1. The Secretary, Dept.of Posts,
Union of India, New Delhi.
2. The Superintendent of Post Offices,
Peddapalli Division, Peddapalli, Karimnagar-172.
3. One copy to Mr.B.Nalin Kumar, Advocate, CAT.Hyd.
4. One copy to Mr.V.Vinod Kumar, Addl.CGSC. CAT.Hyd.
5. One copy to D.R.(A) CAT.Hyd.
6. One spare copy.

pvm.

~~self~~
28/4/97

T COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN

and

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 21 - 3 - 1997

ORDER/JUDGMENT

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

in

O.A.No. 964/96

T.A.No.

(w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to cost

Central Administrative Tribunal

DESPATCH

- 7 APR 1997

HYDERABAD

pvm