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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.549/96

decided on : 12-8-96

Between

D. Sugana

: Applicant

and

1. The Flag Officer Commanding in Chief
Headquarters (for SC CIV)
Eastern Naval Command, Visakhapatnam

2. Commodore,
Chief Staff Officer (P&A)
Naval Dockyard
Visakhapatnam

3. T. Bhaskar Rao
UDC, Naval Dockyard
Visakhapatnam

: Respondents

Counsel for the applicant

: B. Ranganatha Rao
Advocate

Counsel for the respondents
(Official)

: V. Bhimanna
SC for Central Govt.

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

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

OA.549/96

dt.12-8-96

Judgement

Oral order (per Hon. Mr. Justice M.G. Chaudhari, VC)

Mr Ranganatha Rao, for the applicant. Mr. V. Bhimanna for the respondents on notice.

OA admitted.

Notice waived. Taken up for immediate hearing.

2. The applicant was placed at Serial No.5 in the panel prepared on 23-6-95 for promotion to the post of Office Superintendent Gr.II, (Annexure-I), which sets out the panel mentioned "Clerks of Engineering Roster". The applicant belongs to Scheduled Caste community.

On a representation filed by the respondent, claiming to be senior to the applicant and also belonging to SC community the panel was ^{revised} reviewed by Review DPC which met on 18-9-1995. It was revised the panel by deleting the name of the applicant and including the name of the Respondent No.3, Mr. T. Bhaskar Rao, in her place at Sl.No.5. Curiously enough by order dated 22-11-1995,

✓ issued by the Administrative Officer, it has been directed that a written undertaking may be obtained from Respondent-3 that information ^{that he had been converted into} Christianity is not correct and he continues to belong to SC community and a latest certificate be obtained from the District authority that he belongs to SC community and forward to the Headquarters before considering his case for promotion to the grade of Office Superintendent Grade II. By letter dated 30-11-1995 the Liaison Officer, SC/ST informed the Headquarters that the fact as to whether Respondent-3 belongs to SC community be

..2.

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get verified from the Reviewing authorities before giving him promotion. The impact of both the letters is same. It, therefore, means that the empanelment of Respondent-3 is made conditional and only if caste certificate is issued that he will be promoted in the available vacancy as an SC Candidate. If he fails to obtain that certificate, we think that in view of the earlier selection of the applicant she should be substituted in his place at Sl.No.5 in the panel. The revised panel would expire after one year i.e. on 18-9-96. It is agreed by both the counsel that the life of the panel is one year. It is, therefore, imperative that the question of the caste of the respondent is finally decided before the expiry of the panel. In the event of the same not being finalised before expiry of the panel, then the claim of the applicant to be promoted should be decided on the footing that she was empanelled on 23-6-95 notwithstanding the revised panel dated 10-10-95 and she shall be given benefit of promotion accordingly.

3. OA is disposed of in terms of above orders. No costs.

H. Rajendra Prasad
(H. Rajendra Prasad)
Member (Admn.)

M.G. Chaudhary
(M.G. Chaudhary)
Vice Chairman

Dated : August 12, 96
Dictated in open Court

Deputy Registrar (S)cc
sk

O.A.549/96.

To

1. The Flag Officer Commanding-in-Chief
Headquarters (for SC CIV)
Eastern Naval Command, Visakhapatnam.
2. The Commodore,
Chief Staff Officer(P&A) Naval Dockyard,
Visakhapatnam.
3. One copy to Mr.T.Bhaskar Rao, UDC, Naval Dockyard,
Visakhapatnam.
4. One copy to Mr.B.Ranganatha Rao, Advocate, CAT.Hyd.
5. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

Ordered 2/1/96
19/8/96. I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

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

Dated: 12- 8 -1996

ORDER / JUDGMENT

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

in

O.A.No.

549/96.

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 costs.

pvm

