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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A.No.1324 OF 1997.

DATE OF ORDER: 8-1-1999.

Between:

Amudala Lakno Sahu. ... Applicant

and

1. Senior Divisional Personnel Officer,  
South Eastern Railway, Waltair Division,  
Visakhapatnam.
2. The Assistant Personnel Officer,  
Divisional Office, South Easter Railway,  
Waltair, Visakhapatnam.
3. The General Manager,  
South Eastern Railway, Garden Reach,  
Calcutta, West Bengal.

.... Respondents

COUNSEL FOR THE APPLICANT :: Mr.B.Sudhakar Reddy

COUNSEL FOR THE RESPONDENTS: Mr.N.R.Devaraj

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: OR D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.V.Suryanarayana Sastry for Mr.B.Sudhakar-  
Reddy, learned Counsel for the Applicant and Mr.N.R.  
Devaraj, learned Standing Counsel for the Respondents.

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2. The applicant in this OA submits that he belongs to Benthia Oriya Community, which is listed at Sl.no.17 of Schedule Tribes list as mentioned in the Schedule Caste and Schedule Tribes modification Orders, 1956, as amended from time to time. The applicant further states that he belongs to Kanchili Village of Tekkali Division, Srikakulam District. A certificate is also issued by the Mandal Revenue Officer, Kanchili on 25-10-1985 after making due enquiry of the fact that the applicant belongs to Benthia Oriya Community.

3. The applicant submits that he was appointed as a Cleaner under S.T.Quota after the completion of due process of selection by the Assistant Personal Officer, Waltair by his Office Order No.WPT/5/CI/IV/ST/89, dated: 13-3-1989 and the applicant stands at Sl.no.6 in that selection list. He joined duty. The applicant thereafter was put to a Trade Test for further promotion and the result of the Trade Test was published by Office Order No.WPV/400/5/Group'C', dated:16-10-1996. The applicant was selected for "Fitter both in Mechanical and Electrical". His name is shown at Serial No.164. In pursuance of that result, the applicant was promoted to the post of Fitter/Mechanical Grade-III(M) in the scale of pay of Rs.950-1500/- <sup>by an</sup> ~~through~~ Office Order.

4. While the applicant was working so, R-1 issued the impugned Proceedings No.WPV/400/5/Group'C', dated: 15-9-1997 (Annexure.1, page.6 to the OA) reverting the applicant, who was already promoted against the ST reserved point on the ground <sup>that</sup> 'the genuineness of the candidates belonging to Benthia Oriya Community(ST) is under verification with the District Collector/CHE, and a vacancy of Mechanical Grade-III(M) is kept reserved

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for one Sri A.L.Sahoo and he will be promoted after clarification is received from the District Collector/CHE to the effect that he belongs to Benthia Oriya Community(ST)'.

5. This OA is filed to set aside the Office Order No.WPV/400/5/Group'C', dated:15-9-1997, issued by R-1 holding it as bad in law and against the Principles of Natural Justice and consequently allow the petitioner to work as Mechanical Grade.III(M) till the genuineness of the applicant's caste is proved.

6. No reply has been filed in this OA even though this OA was filed more than a year back on 29-9-1997.

7. The applicant submits that he was not given <sup>thereby</sup> any opportunity to explain his case whereby the Principles of Natural Justice is violated. Further it is seen that a reference has been made to the District Collector/CHE to verify the genuineness of the caste of the candidate to the effect that he belong to Benthia Oriya Community(ST). Without any reply from the District Collector/CHE, reverting the applicant on the presumption that the District Collector will give a negative reply is not tenable. Hence, the reversion order of the applicant, vide impugned Order No.WPV/400/5/Group'C', dated:15-9-1997, has no legs to stand. Hence, it is set aside. However, the respondents may take suitable action either to continue him or revert him on the basis of the report from the District Collector/CHE. If the applicant is reverted on the basis of the District Collector's report, then the

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case of Sri A.L.Sahoo can be considered at that time.

8. In view of what is stated above, the impugned Order No.WPV/400/5/Group 'C', dated:15-9-97 is set aside. The respondents are directed to reinstate the applicant as Fitter/Mechanical Grade-III (M), from the date of his reversion <sup>with</sup> as continuity of service. However, the respondents are at liberty to consider his case either for continuation or reversion after the receipt of the report of the District Collector/CHE.

9. With the above direction, the OA is ordered. No costs.

  
( B.S. JAI PARAMESHWAR )

MEMBER (JUDL)

8.1.99

  
( R.RANGARAJAN )

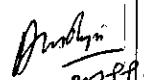
MEMBER (ADMN)

DATED: this the 8th day of January, 1999

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Dictated to steno in the Open Court

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DSN

  
D. Murthy  
20.1.99

COPY TO:-

1. HDHNJ
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

29/1/99  
1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :  
VICE CHAIRMAN

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

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

THE HON'BLE MR. B. S. JAI PARAMESWAR :  
MEMBER (B)

DATED: 31/1/99

ORDER/JUDGMENT

M.A.S/R.A./C.P.NO.

In

O.A. NO. 1324/97

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

2 copies

SRR

