

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1086/99

DATE OF ORDER : 4-2-2000

Between :-

J.Vinod Kumar

..Applicant

And

1. Sr.Superintendent of Post Offices,
Nizamabad Postal Division,
Nizamabad.
2. Director of Postal Services,
Hyderabad Division.

..Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri B.N.Sarma, Addl.CGSC


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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).



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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri S.Ramakrishna Rao, learned counsel for the applicant and Sri B.N.Sharma, learned Standing Counsel for the Respondents.

2. This O.A. is filed to set aside the impugned order No.SSP/Con./BC dated 30.6.1999 of the 1st Respondent imposing the penalty of removal of the applicant from service on the ground that a false case certificate was produced by the applicant when the very issue of cancellation of the Caste status is pending adjudication before the Hon'ble High Court of A.P. in WP No.3587/93 making the matter as "sub-judice" declaring the action of the 1st Respondent as arbitrary, illegal, un-warranted, mis-conceived, frivolous and in violation of Articles 14 and 16 of the Constitution of India and to direct the respondents to reinstate the applicant in service duly permitting him to work as Postal Assistant, Nizamabad H.O. with all consequential benefits.

3. The Joint Collector, Nizamabad cancelled the Social Status certificate issued to the applicant vide his proceedings No.D6/3988/88 dated 22.2.1993. That was challenged by filing WP 3587/93 on the file of High Court of Andhra Pradesh. That Writ Petition was disposed of by order dated 17-12-1999 which is enclosed as additional material papers to the O.A. It is seen from the judgement that the State Legislature has passed an enactment, the A.P.(S.C., S.T. & B.Cs.) Regulations of issue of Community Certificates Act, 1993 and Rules 1997. The learned Government Pleader submits that such matters, as the one involved

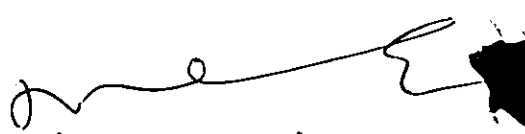


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in this Writ Petition, has to be referred to the scrutiny committee as required under Rule 9 of the AP (SC, ST & BC) Regulation of issue of Community Certificate Rules and on the basis of the report of the Scrutiny Committee the District Collector has to pass appropriate orders. It was further stated in the Writ Petition while disposing of, directing the Collector, Nizamabad to refer the matter to the Scrutiny Committee under Rule-9 of the said Rules and after receipt of the report of the Scrutiny Committee, he shall pass appropriate orders. The impugned order of the Collector canceling the Social Status of the applicant was set aside and the matter was remitted back to Scrutiny Committee. In view of the above direction of the High Court of Andhra Pradesh, the Social Status of the applicant is still to be decided and it is pending. In view of the above, cancellation of the Social Status certificate by the Collector is not valid. Hence the applicant should now submit a detailed representation to the respondent authorities to reinstate ^{him} back in service with the consequential benefits if any. If such a representation is received by the Respondent authorities, then the same should be disposed of within twenty one days from the date of receipt of the representation.

4. In view of the above direction, there is no need to further consider the O.A. ~~any further~~. In view of the above, the OA is disposed of with the above direction. No order as to costs.


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


(R. RANGARAJAN)
Member (A)

Dated: 4th February, 2000.
Dictated in Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

1ST AND 2ND COURT

COPY TO:

1. HDHND
2. HRGN M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A (DMN.)
5. SPARE
6. ADVOCATE.
7. STANDING COUNSEL

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

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

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

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

* * *

DATE OF ORDER: 4-02/2000

MA/RA/CP.NO.

IN

08/086/99

DA. NO. 4-2-2000

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
बैठक / DESPATCH

18 FEB 2000

हैदराबाद ब्याचपीठ
HYDERABAD BENCH