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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No.464/99.

Date of Decision: 06-01-2000.

Smt. Suri Ramalakshmi

..Applicant.

Vs

1. The Deputy General Manager,
Telecommunications, Eluru,
West Godavari District.
2. The Divisional Officer (Engineering),
Telecommunications, O/o the Deputy
General Manager (Telecommunications),
Eluru, West Godavari District.
3. The Divisional Engineer,
Telecommunications,
Bhimavaram, West Godavari District.

..Respondents.

Counsel for the applicant : Mr.J.Sudheer

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

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

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

ORDER

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

Heard Mr.J.Sudheer, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA was issued the impugned order No.RE.71/TOA/Tng/101 dated 30-12-1989 whereby her appointment as TOA was cancelled. The applicant was selected for the post of TOA under the special drive for filling up the vacancies reserved for ST candidates. She was sent for training by order No.RE-40/TOA/Recit/1988/139 dated 29-08-1989 (Annexure-III). But it came to the respondents that she belongs to Kapu community. They issued the impugned order dated 30-12-1989 cancelling her appointment before she completed her training.

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3. This OA is filed to set aside the impugned order dated 30-12-1989 issued by R-1 and for a consequential direction to reinstate her into service.

4. The contention of the applicant are as follows:-

In view of the G.O.Ms.No.371, Employment And Social Welfare (B.2) Department dated 13-04-1976 enclosed at Annexure-VI page-16 to the OA that the benefits available for one of the parents who belongs to a ST community that is Erukula community herein should be extended to the applicant herein even though her father belongs to Kapu community. Further it is also contended that the applicant was issued with the impugned order dated 30-12-1989 without giving her chance to explain her case by issuing a show cause notice. On these two accounts she submits that the ~~applicant~~ ^{she} has to be reinstated into service.

5. The learned counsel for the respondents submits that the applicant belongs to Kapu community and that has been entered by the Revenue Authority in the Marriage certificate. Even though her caste certificate shows that she is belongs to Erukula community there is a variation between community certificate ^{as given} and in the marriage and the caste certificate ^{submitted} ~~given~~ by her. They also submit that she has given a declaration that she belongs to the caste of ST (Erukula) and that originally she belongs to the caste of Kapu by birth and ^{she} belongs to the caste of ST by marriage.

6. We have heard both the sides. The applicant failed to get a proper marriage certificate indicating her community as Erukula as her mother ^{reported to} belongs to Erukula community and because of that she should have also been treated as Erukula community and not Kapu community in view of the G.O.Ms.No.371 dated 13-04-1976. That is a failure on the part of the applicant. Further in her declaration enclosed at Annexure R-1 she could have stated so that she belongs to ST Erukula community because of her mother belongs to Erukula community and that makes her ST community. But unfortunately she says that she belongs to the caste of ST by marriage. This is not an acceptable statement to the respondent authorities.

7. In view of what is stated above the only direction that can be given in this OA is that the applicant should get her marriage certificate corrected suitably so as to

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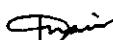
indicate that she belongs to Erukula community and not kapu community from the Revenue Authority. If such a corrected certificate she obtains from the Revenue Authority and produces before the respondent authorities herein she should be reinstated. The applicant approached this Tribunal on 21-09-1998 even though the impugned order was issued on 31-12-1989. Even though the delay is condoned she cannot get the full benefit for her absence right from the date ^{the} of her services were terminated till ^{she} joins back. That period should be treated as dies-non only.

8. In view of what is stated above the OA is ordered as follows:-

The applicant if so advised may get her marriage certificate issued by the Revenue Authorities duly corrected to show her community as Erukula instead of Kapu. If such a certificate is produced before the respondent authorities then she should be reinstated back into service. However ^{if} she is reinstated into service the period from the ^{her} date of her termination of service that is from 30-12-1989 till she is reinstated back should be treated as dies-non.

9. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
MEMBER(ADMN.)


(D. H. NASIR)
VICE CHAIRMAN

Dated: The 06th January, 2000.
(Dictated in the Open Court)

SPR


A-2
10-1-2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

~~1ST AND 2ND COURT~~

12/2000.

COPY TO:

1. HON. J.
2. HON. M. (ADMN.)
3. HON. M. (JUDL.)
4. D.R. A (ADMN.)
5. SPARE ✓
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPIRED BY

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APPROVED BY

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

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

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

* * *

DATE OF ORDER: 06/01/2000.

~~MA/R/CP.NO.~~

IN.

DA. NO. 464/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP. CLOSED. (7 copies)

RA. CLOSED.

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

~~ORDER/REJECTED~~

~~NO ORDER AS TO COSTS~~

