

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**OA/020/736/2017  
Date of Order: 14.09.2018**

Between:

V. Zakaraiah Naik,  
S/o. Zamlu Naik,  
Aged about 60 years,  
Occ: Track Maintainer,  
R/o. H.No. 9-748, CPI Colony, Gooty,  
Anantapuramu District – 515 401.

.... Applicant

AND

1. Union of India,  
Railway Board, Rail Bhavan,  
New Delhi rep. by its Secretary.
2. The Chief Personnel Officer,  
South Central Railway,  
Personnel Branch,  
Secunderabad.
3. The Assistant Personnel Officer,  
Divisional Office, Personnel Branch,  
South Central Railway,  
Guntakal,  
Anantapuramu District.

.... Respondents

Counsel for the Applicant : Mr. K. Bheema Rao.

Counsel for the Respondents : Mr. M. Venkateswarlu,  
SC for Railways

CORAM :

THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN  
THE HON'BLE MR. B.V. SUDHAKAR, MEMBER (A)

**ORAL ORDER**

(Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

The applicant has been working as a Trackman from 1983 in the South Central Railway. The Railways evolved a Scheme known as 'Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff', for short - LARSGESS for the benefit of certain categories of employees, paving way for their premature retirement and providing of employment to their children subject to certain conditions. A written test is held periodically for this purpose.

2. It is stated that one Mr. Bheemudu Naik is the son of the applicant, and an application was made by him under the scheme to the concerned authority. In the test held on 17.6.2012 and Mr. Bheemudu Naik emerged successful so much so, that he was issued a provisional order of appointment on 24.7.2012.

3. However, at the time of verification it was noticed that the name of the father of Mr. Bheemudu Naik was mentioned as Mr. V. Sankara Naik and not Zakaraiah Naik, the applicant in the S.S.C. certificate. Therefore, the appointing authority raised an objection and refused to appoint the said Bheemudu Naik.

4. At a later point of time, a copy of Gazette Notification dated 09.01.2017 issued by the Government of Andhra Pradesh was filed. One of the items therein, read, “ I, Varthya Bheemudu Naik, S/o. Varthya Sankara Naik , Qualification: X class, shall henceforth be known as VARTHYA BHEEMUDU NAIK, S/o VARTHYA ZAKRAIAH NAIK due to wrong entries occurred in school records.” On the basis of the said Gazette Notification, the appointment under the Scheme was claimed. The appointing authority however, refused to accept, that through order dated 03.08.2017. The same is challenged in this O.A.

5. The applicant contends that on account of an inadvertent error, his name was entered in the S.S.C. certificate of Bheemudu Naik as Sankara Naik and once it was noticed, proper steps were taken for correction of the name through a gazette publication. It is argued that there was absolutely no justification for the Respondents in passing the impugned order of rejection even after the issue that has arisen out of an error as regards the name has ceased to exist.

6. On behalf of the Respondents a counter affidavit is filed. It is stated that though the applicant filed a copy of the Gazette Notification, the S.S.C. certificate, which constitute the basis not only for the educational qualification but also for the identity of the person, remained as it is and that being the case, the applicant cannot claim the benefit.

7. At the outset, we may point out a basic infirmity in the O.A. itself.

The LARSGESS scheme is meant mainly for the benefit of a child of the employee who intends to take premature retirement under the Scheme. In matters of this nature, not only the employee concerned but also his son or daughter who claims employment is required to be a party. For reasons best known to the applicant, the real beneficiary i.e. Mr. Bheemudu Naik is not added as a party. Further, the real controversy is against the identity of Mr. Bheemudu Naik and he is not an applicant. Therefore, a serious defect exists in the O.A.

8. On the basis of the application submitted by him, the Respondents permitted Mr. Bheemudu Niak to appear in the examination and he was successful thereon, and an order of appointment was also issued to him subject to verification of the records.

9. At the stage of verification, it was noticed that the name of the father of the beneficiary i.e. Bheemudu Naik was mentioned as 'Sankara Naik' which is totally different from the name of the applicant herein. In case the name of the applicant was wrongly mentioned in the S.S.C. certificate in his capacity as father of Mr. Bheemudu Naik, necessary steps should have been taken with the Board of Secondary Education or at other places. The only step taken by the said Bheemudu Naik, and not by the applicant is that a copy of Gazette Notification dated 09.01.2017 is filed. A perusal of the same discloses that hardly any exercise was undertaken to correct the entries in the S.S.C. certificate. The utility of the Gazette Notification can be gathered from the Notice which occurs at the threshold of the Gazette Notice. It reads as

under:

“No Legal Responsibility is accepted for the Publication of Private Advertisement regarding Change of Name/ Surname in the Andhra Pradesh Gazette. Persons notifying the changes will remain solely responsible for the legal consequences, if any and also for any other misrepresentation etc. However, Government do not accept any responsibility for its contents and is not a party to such advertisements.

(By Order)

Commissioner of Printing, Stationery & Stores Purchase.”

10. From this it becomes clear that a publication is nothing but an ‘advertisement’ regarding change of name. The so called change of name is not authorised by any authority much less by the Board of Secondary Education. A self-serving advertisement issued by Mr. Bheemudu Naik, albeit published in the Gazette, would be of no use to the applicant. At any rate, the applicant has since retired from service.

11. We do not find any merit in the O.A. Accordingly, it is dismissed. There shall be no order as to costs.

**(B.V. SUDHAKAR)**  
**MEMBER (A)**

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**(JUSTICE L. NARASIMHA REDDY)**  
**CHAIRMAN**