

**CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH**

**OA NO. 459 Of 2014**

Dated this 13<sup>th</sup> day of April Two Thousand Sixteen

**P R E S E N T**

**THE HON'BLE JUSTICE SHRI A. ARUMUGHASWAMY, JUDICIAL MEMBER  
AND  
THE HON'BLE R. RAMANUJAM, ADMINISTRATIVE MEMBER**

V. Maharajan, S/o K. Vanamamalai, No.107, 146/4 Anna Nagar, 8<sup>th</sup> Street West,  
Tuticorin 628008

.. **Applicant**

**By Advocate: M/s J. Nisha Banu**

Vs.

1. Union of India, rep by the General Manager, Southern Railway, Chennai
2. The Divisional Personnel Officer, Divisional Office, Personnel Branch, Southern Railways, Madurai District
3. The Chief Personnel Manager, Southern Railway, Chennai

.. **Respondents**

**By Advocate: Mr. R. Krishnamurthy**

**O R A L O R D E R**

(Pronounced by Hon'ble Justice Mr. A. Arumughaswamy, Judicial Member)

Heard both.

2. This OA has been filed seeking the following reliefs:

"to direct the respondents to give promotion to the petitioner to the post of Loco Inspector with retrospective effect from the date on which promotion was effected to similarly placed other two candidates vide impugned order in No.40/V/MT/2011 dated 25.11.2011 selected in the competitive exam for the enlisted vacancy published vide letter No.U/P 608/IV/MechI/Rg/LI/Vol.II dated 24.9.2010 and give all service benefits and pass such further orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

3. The applicant is working as Loco Pilot in Madurai Division of Southern Railway. The respondents called for applications from the qualified candidates for the competitive exam for Loco Inspector post vide letter U/P608/IV/MechI/Rg/LI/Vol.II dated 24.09.2010 for 3 vacancies. Out of the 3

one is reserved for ST. The applicant belongs to ST community. The applicant participated in the competitive examination. Results had been published and the selected candidates had to be given promotion. Only two candidates were promoted. Name of the 3<sup>rd</sup> candidate was missing. Hence, the applicant has filed this OA.

4. The contention of the applicant is that his rival association has filed Writ Petition disputing the genuineness of the community certificate produced by him. The WP No.1287/12 filed before the Madurai Bench of High Court was dismissed vide judgment dated 18.12.2013 observing that process of verification of community ceritifcate is in progress. By letter dated 17.3.2013 the applicant applied under RTI Act to know the reasons for his non-selection to the post of Loco Inspector. By letter dated 17.4.2013 he was informed thus:

"With reference to your RTI application dated 17.3.2013, there is no provision to provide "Reason" under RTI Act, 2005.

However reasons for your not getting promoted is indicated below.

- i. Non availability of vacancy.
- ii. Pendency of community verification case in WP No.(MD)12876/12 before Hon'ble High Court of Chennai/ Madurai bench.

Appeal hereon, if any, has to be preferred to the Appellate Authority/Addl. Divl. Railway Manager/Southern Railway/Madurai-625016 within 30 days from the date of receipt of this communication."

5. The contention of the applicant is that verification of community certificate would not be a ground for denial of his promotion and contended that Madurai Bench of High Court has given judgment in his favour and the respondents could not verify the certificate still.

6. The respondents contend that they have referred the matter to the State Level Scrutiny Committee. It is not in dispute that the community certificate is essential, the verification of which is pending. Mere dismissal of the writ petition of the 'rival' association would not amount to acceptance of his community certificate by the High Court. It is needless to say that if the community certificate issued to SC/ST candidates is disputed, only State Level Scrutiny Committee could decide, which is still under process till today. Therefore, on

production of the report of State level Scrutiny Committee, the competent authority is directed to decide the matter and the issue of promotion of the applicant thereafter in 8 weeks.

The allegation of the applicant is that even though the applicant's community certificate has been sent to the competent authority, it has not yet been decided. It is also seen from the order in WP No. 128 / 12 . Therefore, the respondents are directed to move the Committee for expeditious verification of the certificate by the Scrutiny Committee. In turn, the competent authority on production of this order along with the necessary certificate in question shall decide as per procedure expeditiously.

#### ORDER

The respondent in question is directed to send the original certificate for scrutiny or verification if already not done within 3 weeks from the date of receipt of a copy of this order. In turn the competent authority is directed to give report / certificate within 2 months from the date of receipt of a copy of this order.

7. The OA is dismissed with the above said observations. No costs.