

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/1112/2016

Date of Order: 13.06.2019

Between:

D.D.V. Subbarayudu, S/o. D. Venkataswamy,
Aged 60 years, Retired Station Superintendent,
SC Railway, Kurnool,
R/o. 87/1387-9-2-103, Seshadrinagar,
Near Nandyal Check Post, Kurnool – 518004.

... Applicant

And

1. Union of India,
Rep. through its General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
2. Chief Personnel Officer,
S.C. Railway, Secunderabad.
3. Divisional Railway Manager,
Hyderabad Division, SC Railway,
Secunderabad.
4. Sr. Divisional Personnel Officer,
Hyderabad Division, SC Railway,
Secunderabad.

... Respondents

Counsel for the Applicant ... Mr. S. Rahul Reddy

Counsel for the Respondents ... Mr. D. Madhava Reddy,
SC for Railways

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. OA is filed for not releasing the terminal benefits of the applicant.

3. Applicant applying against notification No.4/7-78 of RRB published for filling up the posts of Asst Station Master got selected and was also confirmed in the post on 20.8.1980. Charge memo was issued for submitting a fake caste certificate on 27.7.2004. Aggrieved, applicant moved the Tribunal vide OA 334/2005 which was allowed on 20.06.2005. However, on cancellation of the caste certificate by the District Collector, notice for termination of service was issued on 1.8.2006. In response, applicant filed W.P. No.16621/2006 before the Hon'ble High Court, wherein the notice of termination was stayed on 09.08.2006. Applicant, in the meanwhile, retired from service on superannuation on 31.8.2016. Provisional pension was paid and the terminal benefits were not released in full. Consequently, the present OA has been filed.

4. The contentions of the applicant are that after putting in 41 years of service, as per rules he should be paid pension and terminal benefits. Not doing so is violative of Articles 14 and 21 of the Constitution. There are no criminal or disciplinary proceedings pending against the applicant. On the contrary, applicant was awarded many certificates of appreciation for doing good work.

5. Respondents, in the reply statement, state that the caste certificate of the applicant was cancelled by the District Collector vide proceedings dated 15.1.2005 and published the same in the District Gazette, Cuddapah on 31.12.2005. On issue of notice dt 1.8.2006, when applicant moved the Hon'ble High Court in WP No.16621/2006, interim order of status quo was passed vide order dated 9.8.2006 on grounds that the

cancellation was not published in the State Gazette. On pursuing with Collector, the caste cancellation was notified in the State Gazette on 13.8.2009. The case is expected to be listed before the Hon'ble High Court any day. As the applicant has produced a fake certificate, it is justified to withhold Gratuity and leave encashment. Besides, applicant is liable for disciplinary action and criminal prosecution by law enforcing agencies.

6. Heard both the counsel and perused the documents submitted.

7. Hon'ble High Court is seized of the matter in the Writ Petition No. 16621/2006. The formality of publishing the caste certificate cancellation proceedings in the State Gazette has been complied with as per the directions of the Hon'ble High Court. The case is expected to come up any time before the Hon'ble High Court. Respondents' contention that unless the issue is finally adjudicated by the Hon'ble High Court, they are well within their right to withhold gratuity and leave encashment. True, since the matter is under adjudication by the Hon'ble High Court.

Hence, in view of the circumstances stated, the OA is disposed by observing that the applicant can pursue for the relief sought consequent to the outcome of the writ petition referred to. Accordingly, the OA is disposed of, with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 13th day of June, 2019

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