

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.15899 of 2015

ORDER:

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This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue a Writ, Order or direction more in the nature of Mandamus declaring that all further proceedings in respect of Cancellation of the caste certificate by the 2nd Respondent in Rc.No.C5(M) 4161/93 dated 9-10-2004 and all other proceedings in pursuance to the Appeal Ref.No.10142/CV.2/2004-4, are dropped on the ground of inordinate delay keeping in view of the law laid down by the Hon'ble Apex Court and this Hon.ble High Court and consequently declare that the Petitioner is entitled for all benefits without there being any proceedings in respect of the social status of the petitioner”.

2. Heard Sri P.V.Ramana, learned counsel for the petitioner and the learned Government Pleader, appearing for Respondents, apart from perusing the material available on record.

3. According to the petitioner, she belongs to Lambada Caste, which is notified as Scheduled Tribe under the Presidential Order, 1975. The petitioner was selected as Lower Division Clerk in the Commercial Tax Department in the year 1975. On 30.4.1976, the Tahsildar, Nellore issued a caste certificate, certifying that the petitioner belongs to Lambada community and subsequently on 29.1.1993 also, a caste certificate was issued, certifying that the petitioner belongs to Lambada community. It is pleaded that based on certain anonymous petitions, the matter was referred to the District Level Scrutiny Committee by the District Collector with regard to the validity of the caste certificate of the petitioner. Subsequently, on 30.9.2004 the District Level Scrutiny Committee submitted a report, stating that the petitioner does not belong to Lambada community. Basing on the said report submitted by the District Level Scrutiny Committee, the District Collector, by way of

order dated 9.10.2004, cancelled the said caste certificate. Aggrieved by the said order of cancellation, petitioner herein filed statutory appeal under the provisions of Act 16/93 before the State Government. The petitioner also filed a stay application before the Government. The State Government, by virtue of Memo No.10142/CV.2/2004-1 dated 6.12.2004, refused to grant stay. Assailing the said order passed by the State Government rejecting stay, the petitioner filed W.P.No.22709 of 2004 and a learned single Judge of this Court, by way of order dated 15.12.2004, disposed of the said writ petition, setting aside the orders of the 1st respondent dated 6.12.2004, rejecting stay, while directing the State Government to dispose of the appeal within a period of four months from the date of receipt of the order. Felt aggrieved by the above said order passed by the learned single Judge, the petitioner herein filed W.A.No.2192 of 2004 under clause 15 of the Letters Patent. A Division Bench of this Court on 6.12.2004 disposed of the said Writ Appeal, modifying the order passed by the learned single Judge by suspending the order of the District Collector dated 9.10.2004 pending disposal of the statutory appeal before the State Government.

4. According to the petitioner, after disposal of the said Writ Appeal, she received notices dated 22.9.2006, 11.10.2006 and 23.1.2007 eventually from the 1st respondent, asking the petitioner to appear for the enquiry. It is also the case of the petitioner that thereafter no further date is given and no orders have been passed by the 1st respondent herein.

5. It is also brought to the notice of this Court that the petitioner retired from service on attaining the age of superannuation on 30.6.2013. It is submitted by the learned counsel for the petitioner that because of the pendency of enquiry before the 1st respondent, the petitioner is not in a position to get the retiral benefits and pension for which, she is entitled.

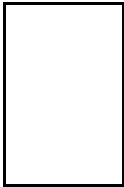
6. On the other hand, it is requested by the learned Government Pleader to grant time for disposal of the appeal pending before the 1st respondent.

7. The information available before this Court clearly and candidly discloses that the petitioner herein joined service as long back as on 26.7.1975 and eventually retired from service on attaining the age of superannuation on 30.6.2013 and now the petitioner is a senior citizen and she cannot be asked to wait for the outcome of the appeal till eternity. There is absolutely no dispute with regard to the fact that the petitioner filed appeal as long back as on 26.10.2004 before the 1st respondent and till date, the same has not yet attained finality. This pendency of appeal and consequential non-settlement of terminal benefits of the petitioner would certainly cause mental agony to the petitioner in the evening of her life. There is absolutely no justification on the part of the respondent authorities in keeping the appeal pending for more than a decade.

8. For the aforesaid reasons and having regard to the nature of controversy and after thoughtful consideration of the issue, the writ petition is disposed of, directing the 1st respondent herein to conclude the appeal proceedings and to pass appropriate orders on the appeal dated 26.10.2004 filed by the petitioner against the orders of the District Collector dated 9.10.2004 vide proceedings Rc.No.C5(M)4161/93 within a period of two months from the date of receipt of this order, failing which, all the proceedings initiated against the petitioner herein with regard to her caste certificate shall stand automatically cancelled and further action shall be taken by the respondents herein for settlement of terminal benefits of the petitioner. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 7.7.2015
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Between:

K.Bala Bai

... Petitioner

and

State of A.P., rep. by its
Principal Secretary, Social Welfare
(CV.2) Department, Secretariat,
Hyderabad and another.

... Respondents