

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 30566 of 2016

ORDER: (*Per VRS,J*)

The South Central Railway has come up with the present writ petition, challenging an order passed by the Central Administrative Tribunal, Hyderabad, directing the railway administration to settle the terminal benefits of the 1st respondent herein.

2. Heard Smt. K. Aruna, learned standing counsel for Railways, appearing for the petitioners, and Mr. J.M. Naidu, learned counsel for the 1st respondent.

3. The 1st respondent was appointed on 26.02.1978 in the Southern Railways, on the basis of a claim made by him that he belonged to the Scheduled Caste. He was later promoted to various posts and he, ultimately, attained the age of superannuation on 30.10.2014.

4. On account of various complaints, the railway administration appears to have sent letters to the concerned statutory authorities calling upon them to verify the genuineness of the community certificate produced by the 1st respondent. Though the railway

administration has been addressing letters from 2007, neither an enquiry into the genuineness of the community certificate produced by the 1st respondent was initiated nor any finding recorded.

5. However, the petitioners issued a charge memo on 30.10.2014, on the date, on which the petitioner was to retire on superannuation.

The articles of charges read as follows:

Article-I: *Statement of Article of charges framed against Sri T. Bhagvan, SSE/T/MW/BZA, that you have committed serious misconduct that you have failed to submit the latest original caste certificate issued by the concerned authorities on or before 31.01.2012 along with the information as called by personal branch vide letter No.B/P.171/Res/SCT/CV/Complaint dated 08.03.2007. In spite of several reminders you have not submitted the latest caste certificate along with the information as called. Thus you have failed to submit the same and thereby contravened rule-3(1)(II) of Railway Services (Conduct) Rules, 1966.*

Article-II: *On 08.03.2007, you have been advised to submit the latest original caste certificate in the prescribed proforma from Revenue authorities along with the information as called vide Sr.DPO/BZA Letter No.B/P.171/Res/SCT/CV/Complaint, dated 08.03.2007. Reminder has also given vide letter No.B/P.171/Res/SCT/CV/Complaint, dated 19.01.2012, for submission of the latest original caste certificate along with information on or before 31.01.2012 which you have not submitted till date. Thus you have failed to submit the same and thereby contravened rule-3(1)(II) of Railway Services (Conduct) Rules, 1966."*

6. On account of initiation of the above proceedings, the terminal benefits of the 1st respondent were withheld. Therefore, he filed an application in O.A.No.614 of 2015. The Tribunal allowed the

application, by an order, dated 23.03.2016, setting aside the charge memo and directing the settlement of all terminal benefits. Aggrieved by the said order, the railway administration is before us.

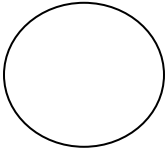
7. The admitted fact is that the 1st respondent produced community certificate twice, first at the time of his initial appointment in the year 1978, and next at the time of promotion. These certificates have been sent for verification way back in 2007. So far, the statutory authorities have not taken any action. Therefore, the Tribunal was right in holding that there was no question of producing a latest community certificate. So long as the original community certificate has not been withdrawn, the railway administration cannot again and again ask the employee to produce a fresh community certificate. Hence, we find no illegality in the order of the Tribunal. Therefore, the Writ Petition is dismissed.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

27th October, 2016
cbs



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