

THE HON'BLE SRI JUSTICE M.S.K. JAI SWAL

WRIT PETITION No.13871 of 2006

ORDER:

The challenge in the present writ petition is against the award of the Labour Court-I, A.P., Hyderabad, dated 22.09.2005 in I.D.No.72/2002, published in G.O.Rt.No.2368, dated 15.11.2005, wherein the Labour Court directed the petitioner Corporation to reinstate the 1st respondent into service with continuity of service and all other attendant benefits with 50% of back wages. The Labour Court further directed the petitioner corporation to forward the original caste certificate of the 1st respondent along with complaints of third parties and nativity, educational certificates to the District Collector, Ranga Reddy District to make an enquiry into the correctness of the said caste certificate, and in case if it is found false, take appropriate action against the 1st respondent.

Admittedly, the 1st respondent got employment with the petitioner corporation as Conductor in 1986 by producing the caste certificate showing that he belongs to Scheduled Tribe. More than 15 years thereafter, certain complaints were received by the petitioner corporation alleging that the 1st respondent does not belong to Scheduled Tribe, as claimed by him, and based on such complaints, the petitioner corporation referred the matter to the Mandal Revenue Officer, Hayathnagar Mandal with a request to cause enquiries about the caste of the 1st respondent. The Mandal Revenue Officer, Hayatnagar Mandal, vide letter dated 20.04.2000 informed the petitioner corporation as under:

“I invite your attention to the reference cited, and submit that the matter has been got enquired locally. During the enquiry, it is revealed

that Sri M.Yadagiri, S/o.Chittari, R/o.Batasingaram village is belongs to B.C 'Goud' caste. He is not belongs 'Yerukala' Caste."

On the basis of such communication from the Mandal Revenue Officer, Hayatnagar, the petitioner corporation has removed the 1st respondent from service.

A careful perusal of the award of the Labour Court shows that the Labour Court has taken correct view by observing that a caste certificate issued by the competent authority need to be enquired into by the District Collector, as contemplated under Section 5 of the A.P (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993, and only after enquiry, it is the District Collector who is competent to cancel the caste certificate, if it is found not genuine, false or incorrect. Unless such process is made, merely because the successor in office of the authority who issued a letter stating that the 1st respondent does not belong to Scheduled Tribe, the petitioner corporation cannot take the basis of such certificate in removing the 1st respondent from service.

The Labour Court has considered the decision of this Court rendered in W.P.Nos.24929/2003 & 3033/2004, dated 04.08.2004 in a case of *S.Srinivasulu v. APSRTC, Musheerabad & ors.*, and following the law laid down in the said decision, set aside the punishment of removal imposed against the 1st respondent with a direction, as stated supra.

Having heard the learned counsel and having perused the award of the Labour Court, I do not find any infirmity warranting interference with the award of the Labour Court. However, the petitioner corporation, as directed by the Labour Court, is at liberty to enquire into the correctness of the caste certificate of the 1st respondent through the District Collector, Ranga Reddy District.

The Writ Petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAI SWAL, J

Date: 04.10.2017
Dsr

