

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TRIBAL WELFARE DEPARTMENT-Appeal petition filed by Sri Ganganakurthi Veeranna S/o Ramarao, Fitter in BHEL, Hyderabad - under Section 5 of A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act 16 of 1993 -against the proceedings of the Joint Collector, East Godavari District dated 14.11.1995 – Rejected – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No. 50

Dated:01-6-2004
Read the following:

- 1.Proceedings of the Joint Collector, East Godavari Dist. Ref. B2/11739/91, dated 14.11.1995.
- 2.Appeal Petition filed by Sri G.Veeranna S/o Ramarao, Art.Grade.II, Fitter in BHEL, dated 13.4.2002.
- 3.Govt.Memo No. 5770/CV.2/2002-1, dated 30.4.2002.
- 4.From the Collector, East Godavari Dist. Lr.Ref.C6/M/10871/95, dated 31.10.2002.
- 5.Govt.Memo No. 5770/CV.2/2002-3, dt.9.12.2002, 24.1.2002, 9.4.2003, 23.5.2003, 2.7.2003, 18.8.2003 & 7.11.2003.
- 6.Govt.Memo No. 5770/CV.2/2002-10, dated 11.2.2004.

ORDER:

The Personal Officer, M/s Bharat Heavy Electrical limited, Hyderabad has requested the Collector, East Godavari District to verify the Kammara (ST) caste certificate obtained by Sri Ganganakurthi Veeranna S/o G.Rama Rao, from the Tahsildar, Peddapuram.

2) The MRO., Jaggampeta to whom the matter was referred, has submitted a report through the Revenue Divisional Officer, Peddapuram stating that the parents of the individual previously resided at Kandregula village and subsequently shifted to Govindapuram and settled there, that they belong to Kammari or Kamsali caste and that their occupation is carpentry. The village elders have also stated that the family members are being treated as Kammari or Kamsali and they do not belong to Konda Kammara Community and they do carpentry work. Sri Gaganakurthi Rama Rao father of Sri G.Veeranna has deposed that his occupation is carpentry and he possessed an extent of Ac.0.77 cents of land as Kammara Service Inam and that he was told that his grand father was migrated from agency area, but the village from where they hailed is not known to him. It was further deposed by him that his relatives are being treated as Viswabrahmin (Kamsali) in other villages and they were treated as Kammara caste people but not Konda Kammara. In this connection, it is to be noted that the caste "Kammara" was included in the list of Scheduled Tribes and Kammari was notified as B.C.Group"B". The enquiry conducted by the Mandal Revenue Officer, Jaggampeta revealed that Sri Ganganakurthi Veeranna S/o G.Rama Rao belongs to Kammari or Kamsali community and his occupation is carpentry. The father of the individual him self admitted that their relatives are being treated as Viswabrahmin (Kamsali) in other villages and they are not treated as Konda Kammara.

3) Since it was clear that the Ganganakurthi Veeranna S/o Rama Rao belongs to Kammari (BC) and obtain bogus caste certificate as Kammara (ST), a show cause notice was issued to G.Veeranna to establish his caste claim as Kammara (ST) by providing an opportunity to represent his case before the Joint Collector on 24.07.1995 at Collectorate, Kakinada.

4) Sri G.Veeranna attended Collectorate on 18.7. 1995 and perused connected record before the Huzur Seristadar. He had attended enquiry before the Joint Collector with his father and Advocate on 24.7.95 i.e., on the day fixed for personal hearing and submitted his explanation. The father of the candidate stated that he had not actually accepted that he belongs to Kamsali and does Kammara work and that his relatives are being treated as Kamsali. This is against the statement recorded at the time of enquiry by the MRO. He has also stated that he had just signed the statement recorded by the MRO without reading the contents, which cannot be accepted as it is nothing but a "Volte-face".

5) After careful examination of the records and explanation of the individual, the Joint Collector, East Godavari has cancelled the Kammara (ST) caste certificate of the appellant and declared his caste as Kammari (BC-D) vide his Proceedings ref. No. B2/11739/91, dated 15.11.95.

6) Aggrieved by the said orders, the appellant filed W.P.No. 28271/95 before the Hon'ble High Court to set aside the orders of the Joint Collector. The Hon'ble High Court disposed the above W.P., directing the petitioner to file an appeal before the Govt. under sub-section (2) of section 7 of Act 16 of 1993 within a period of 2 months from the date of receipt of a copy of the order and in receipt of such appeal, Govt. shall consider the same on merits and pass appropriate orders within a period of four months. The Hon'ble High Court further ordered that till such time, the orders passed by the Dist.Collector, dt.5.11.95 shall not be given effect to. As per the orders of APHC, dt.30.1.2002 the individual has filed appeal petition before Govt. Govt. in Memo dated 30.4.2002 has requested the Collector, East Godavari to furnish parawise remarks and connected records on the appeal filed by G.Veeranna. Accordingly the Collector, E.G. has furnished the same vide reference 4th read above.

7) This case has been taken up for personal hearing on 30.12.2002. The petitioner has appeared and made his argument and requested for some more time. Accordingly the case was posted for next hearing on 26.2.2003. The petitioner has appeared and requested for one more adjournment. Again the case was posted for hearing on 28.4.2003, on which date the petitioner and his counsel have attended but hearing could not take place, and the case was posted for hearings on 6.6.2003, 17.7.2003 & 18.9.2003. The petitioner and his counsel for the appellant have attended the personal hearing and made their arguments and requested for some more time for submission of original certificate of Eenam Land etc. The next hearing was fixed for 4.12.2003. The Petitioner and his Counsel for the appellant have appeared and made their arguments and submitted Rythuvar Patta and requested for some more time for producing additional information. The case posted for next hearing on 27.2.2004. The petitioner and his counsel for the appellant have attended and made their arguments.

8) On perusal of the records of the appellant and other material papers produced by the petitioner, it is observed that, the petitioner could not furnish any valid documentary evidence in support of his claim. No substantial and recorded proof is available to establish that his ancestors belong to agency area. The petitioner could not indicate the name of the village of the agency area from where his fore fathers migrated to plain area. Though the petitioner has been given reasonable opportunity to produce evidence in support of his social status claim, he failed to produce the evidence like Birth and Death Extracts, Native place; genealogical tree of the ancestors etc. No substantial proof is also available on record to establish his social status claim.

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9) Based on the above facts, it is concluded that the petitioner is not entitled to be treated as "Kammara ST" community and he is also not entitled to the benefits meant for ST candidate.

10) Government after careful examination of the above facts and in exercise of the powers conferred under Section 7(2) of A.P. (SC, ST & BCs) Regulation of Issue of Community certificates Act, 16 of 1993 and rules made there under, here by reject the appeal petition filed by Sri Ganganakurthi Veeranna S/o G.Rama Rao, Fitter in BHEL, Hyderabad in the reference 2nd read above, upholding the proceedings of the Joint Collector, East Godavari District issued in the reference 1st read above.

11) The records received from the Collector, East Godavari District through the reference 4th read above, are herewith returned in original to the Collector, East Godavari District and he is requested to acknowledge receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.CHAYA RATAN,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Collector & Dist.Magistrate,
East Godavari District (WE) (Original record bearing No.R.Dis.
B2/11739/91 dated 3.12.95 are returned herewith)

Sri Ganganakurthi Veeranna S/o Rama Rao,
Art.Gr.II(F), BHEL, Ramachandrapuram, Hyderabad 500032.

The General Manager (Per),BHEL,
Ramachandrapuram,Hyderabad –500032.

(with a request to serve the individual copy and send Ack.to Govt.)

Copy to: The PS to M(TW),/PS to Prl. Secretary(TW),
The Mandal Revenue Officer, Jaggempeta, East Godavari Dist
The Director of Tribal Welfare.,Hyderabad (w.r.to Lr No.
1200/2000/TRI-VC.I, dt.1.5.2003.)
SF/SC.

//Forwarded::By Order//

SECTION OFFICER