

Up

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/00516/2018

Dated this Tuesday, the 28th day of January, 2020

**CORAM : R.VIJAYKUMAR, MEMBER (A)
R.N.SINGH, MEMBER (J)**

Shri Jayprakash Shiv Ram Sharma, Age 27 yrs.
Resident of Near Vivekanand TT College, VPO – Suroth,
Tehsil – Hindon City, Dist – Karaouli (Rajasthan) 322 252.
(Applied for recruitment of Group C Civilian post,
Supdt Store in Indian Air Force). - Applicant
(By Advocate Shri Viraj Kandpile)

Versus

1. Union of India, Through Secretary, Ministry of Defence,
Government of India, South Block, New Delhi 110 001.
2. Chief of Air Staff, Air Headquarters, Vayu Bhavan,
New Delhi 110 106.
3. Air Officer Commanding, 25 Equipment Depot,
Air Force Station, Devlali (South), Nashik 422 501.
4. Prakash Kanojiya S/o M.K. Kanojia, Resident of Village-Lohvit,
Po-Lohvit, Tehsil – Nasik, Distt. Nasik,
Maharashtra 422 501. - Respondents

(By Advocate Shri D.A.Dube, R-1 to R-3 and
Shri Vicky Nagrani, R-4)

ORAL ORDER
Per : R.Vijaykumar, Member (A)

Shri Viraj Kandpile, learned counsel for the
applicant.

Shri D.A.Dube, learned counsel for the
official respondents Nos.1 to 3 and Shri Vicky
Nagrani, learned counsel for the private
respondent No.4

2. This OA has been filed on 06.07.2018 under
Section 19 of the Administrative Tribunals Act,

1985 seeking the following reliefs:

“8(a). That this Hon'ble Tribunal be graciously pleased to call for the papers and proceedings pertaining Respondent No.4 along with service papers showing caste certificate of M.K.Kanojiya i.e. the father of Respondent No.4 who were working in the department of Respondent No.3 and after going through the legality and validity of the same, the selection of Respondent No.4 as shown in the select panel i.e. Exhibit A-3 be declared illegal and further the Respondents may be directed to revise the select list and the applicant be appointed on the post of Supdt (Store) under OBC category.

8(b). Any other relief which is deemed appropriate in the facts and circumstances of the present matter may kindly be granted in favour of the humble applicant.”

3. The facts of the case are that the applicant had applied for appointment under OBC quota to the post of Superintendent (Stores) for which advertisement was published by the respondents on 13-19/5/2017. After conducting the selection, the official respondents selected respondent No.4 who had also applied under OBC quota along with OBC Certificate issued by the State of Maharashtra. However, the applicant who ranked second in order of merit for OBC, brings to notice that the respondent No.4 was studying in School at Kendriya Vidyalaya and at that point of time, he was classified as Scheduled Caste.

4. The learned counsel for the applicant argues that the official respondents erred in considering the respondent No.4 as OBC and they should have instead selected the applicant for that post since he ranked 2nd in the merit list.

Thereafter, he filed representation dated 22.01.2018 (Annexure A-4) with the respondents for which no reply has been received.

5. In the circumstances, the official respondents Nos.2 and 3 are directed to consider the representation already filed by the applicant and to pass a reasoned and speaking order within a period of eight weeks from the date of receipt of a certified copy of this order and to communicate the orders so passed to the applicant within two weeks thereafter.

6. Accordingly, the OA is disposed of in the above terms with no order as to costs.

7. The pending MAs also stand disposed of accordingly.

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(R.N.Singh)
Member (Judicial)

kmg*

(R.Vijaykumar)
Member (Administrative)

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29/01/20

