

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
OA 173/98

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New Delhi this the 12th day of October, 1998.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)  
Hon'ble Shri K. Muthukumar, Member (A)

Shri Amar Sah,  
S/O Shri Ram Sah,  
R/O 143-T, Aram Bagh,  
Chitra Gupta Road, New Delhi-55.

(By Advocate Shri U. Srivastava)

.. Applicant

Versus

Union of India through the Medical  
Superintendent, Safdar Jang Hospital,  
New Delhi-110016

.. Respondent

(By Advocate Shri Rajinder Nischal)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant is aggrieved by the respondents order dated 3.12.1997 cancelling the offer of appointment letter dated 2.5.97 to the post of Tailor. The ground mentioned in the impugned order is that on enquiry of the caste certificate submitted by the applicant (Annexure A-2) the respondents have found that he does not belong to the Scheduled Tribe community and hence they have cancelled the offer of appointment.

2. Shri U. Srivastava, learned counsel for the applicant has submitted that the Annexure A-2 certificate relied upon by the applicant has been issued by the SDM, Shiwan, Bihar on 18.4.91 in which he states that the applicant, Shri Amar Nath Sah belongs to 'Gond' community on the basis of the order passed by the Patna Administration dated 25.2.1991. We note that by the respondents letter dated 27.5.97, they had sought clarifications on this order. Shri Rajinder Nischal, learned counsel for the respondents has submitted a subsequent letter in reply, apparently to this query dated 11.6.97 (copy placed on record) in which the SDM, Shiwan has stated, inter alia, that the order issued to the

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applicant has been cancelled because this caste now is being recognised as a 'Backward Caste'.

3. Shri U. Srivastava, learned counsel, however, submits that the judgement of the High Court, Patna relied upon by the applicant has since been set aside by the Hon'ble Supreme Court by order dated 21.5.97. He has placed reliance on the Manual of Election Law Volume-I (extract placed at Annexure A-2 to the rejoinder) in which he submits that the 'Gond' community has been shown as 'Schedule Tribe' in Bihar State. This, however, is disputed by the learned counsel for the respondents who submits that according to their information from the concerned authorities the 'Gond' community in Bihar, to which area the applicant belongs, is only a Backward Community (OBC) and not Schedule Tribe.

4. In the above facts and circumstances of the case, this O.A. is disposed of with a direction to the respondents to review the claim of the applicant that he belongs to 'Gond' community/ST de novo and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order, <sup>with intimation to the applicant.</sup> If the applicant, in fact, belongs to the 'Gond' community which is declared as Schedule Tribe in Bihar, he shall be entitled to be appointed to the post of Tailor which has already been offered to him by order dated 2.5.1997. In the circumstances, the applicant shall be entitled to all the consequential benefits in accordance with law.

No order as to costs.

(K. Muthukumar)  
Member (A)

(Smt. Lakshmi Swaminathan)  
Member (J)

'SRD'