

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2187/98
MA-2303/98

(4)

New Delhi this the 13th day of April, 1999.

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

Shri Madan Kumar(Roll No.180298),
S/o Sh. Jai Narain,
R/o VPO Nangal Pathani,
District Rewari(Haryana). Applicant
(through Sh. Shyam Babu, advocate)

versus

1. Union of India through
its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Govt. of NCT of Delhi
through its Chief Secretary,
5, Sham Nath Marg,
New Delhi.
3. Commissioner of Police Delhi,
Police Headquarters, IP Estate,
New Delhi.
4. Deputy Commissioner of Police,
2nd Bn. DAP, Kingsway Camp,
Delhi. Respondents

(through Sh. K.K. Singh for Sh. Raj Singh, advocate)

ORDER(ORAL)

Hon'ble Sh. T.N. Bhat, Member(J)

We have heard Sh. Shyam Babu, learned counsel
for the applicant and Sh. K.K. Singh, learned proxy
counsel for the respondents for final disposal of the
O.A. at the admission stage itself, as this is a
covered matter and identical O.As. filed by other
persons similarly situated were allowed by us as
recently as 09.02.99.

[Signature]
13.4.99

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2. The question in controversy in this O.A. revolves around the contention of the applicant that even though the sub caste to which he belongs had not earlier been specifically mentioned in the list containing the castes which were declared to be other backward classes, the applicant belongs to OBC category all the same, particularly so in view of the fact that subsequently by a Notification dated 7.6.95 issued by the Haryana Government, the sub caste of Ahir/Yadav and some other castes were also included among the castes belonging to OBC which was followed by a similar Notification issued by the Central Government including the caste Ahir/Yadav among the OBC category.

3. A Bench of which one of us (Hon'ble Sh. S.P. Biswas M(A)) was a Member had also by the judgement dated 24.10.97 delivered in Parminder Kumar & Ors. Vs. Commissioner of Police & Ors. and a bunch of other OAs held the view that once the list issued by the Central Government contains names of a particular caste/sub caste as belonging to the OBC category, it would not be open to the department concerned to interpret the list in a manner so as to deny the benefits to persons belonging to that caste accruing to them by such inclusion in the list. In Jaipal Singh Vs. U.O.I. & Ors. (OA-1498/98) this Bench held in the judgement dated 9.2.99, in para 5, that the persons such as the applicant in the instant O.A. should be deemed to have been included among the OBC categories from the

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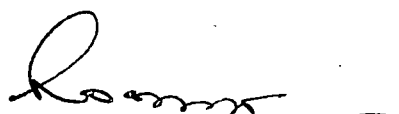
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very inception even though the name of their sub castes might have been mentioned in the notifications/circulars issued later. Thus, even if, as contended by the respondents, at the relevant time when the applicant applied for the post, the caste to which he belongs might not have been specifically included under the OBC category, the fact that by the subsequent Notification the said sub caste was included would make it operative from the very inception.

4. We may state that the judgement of the Tribunal in Parmender Kumar & Ors.(supra) was upheld by the Delhi High Court and has also been upheld by the Apex Court by the order dated 15.3.93 passed in Appeal (Civil) No. 3130/99.

5. Viewed as such, the impugned order cancelling the candidature of the applicant on the ground that he did not belong to the OBC category is hereby quashed and the respondents are directed to restore the applicant to the position he held before the passing of the impugned order cancelling his candidature. This judgement shall be implemented within a period of 2 months from the date of receipt of a copy of this order.

6. With the above directions, the O.A. is disposed of, but without any order as to costs.


(S.P. Biswas)
Member(A)


(T.N. Bhat)
Member(J)
13.4.99.

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