

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1467/1997

New Delhi this the 14th day of October, 1997.

HON'BLE SHRI S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri C. K. Thakur,
66/2B, Kali Bari Marg,
New Delhi. ... Applicant

(By Shri C. Hari Shankar, Advocate)

-Versus-

1. Union of India through
the Secretary, Ministry of
Defence, South Block,
New Delhi.
2. The Chief Administrative Officer,
Office of the Joint Secretary (Training)
& CAO, Ministry of Defence,
DHQ P.O., New Delhi-110011.
3. Shri S. H. Chaudhuri,
Examiner,
Base Censor Section,
2 CBPO C/O 99APO.
4. Shri N. K. Biswal,
MI-12, M.I. Directorate,
Army Headquarters,
Room No.22,
M-Block Hutmants,
(Near) Rakabganj Gurudwara,
New Delhi-110001.
5. Smt. Pratima Roy,
MA-12, M.I. Directorate,
Army Headquarters,
Room No.22,
M-Block Hutmants,
(Near) Rakabganj Gurudwara,
New Delhi-110001.
6. Shri K. K. Singh,
MA-12, M.I. Directorate,
Army Headquarters,
Room No.22,
M-Block Hutmants,
(Near) Rakabganj Gurudwara,
New Delhi-110001.
7. Shri A. S. Ray,
Examiner,
Base Censor Section,
2 CBPO, C/O 99APO.

8. Shri Sheo Prasad,
MA-12, M.I. Directorate,
Army Headquarters,
Room No.22,
M-Block Hutmants,
(Near) Rakabganj Gurudwara,
New Delhi. ... Respondents

(By Shri Dushyant Pal, Departmental Representative
for Respondents 1 and 2)

O R D E R (ORAL)

Shri S. R. Adige, VC (A) -

Applicant prays for quashing of respondents' memo dated 10.2.1997 (Annexure A/1) and to direct respondents to amend the seniority list by mentioning his name as ST under column 4 (Category) thereof. Shri Hari Shankar stated at the Bar that the other reliefs are not pressed.

2. Shri Hari Shankar relies upon the Hon'ble Supreme Court's judgment dated 12.9.1990 in Civil Appeal No. 4631 of 1991, **Shambhoo Nath vs. Union of India & Ors** wherein it has been held that the 'Lohar' community belongs to ST category in Bihar. Applicant claims that being a member of the Lohar community he is entitled to ST status in accordance with the Hon'ble Supreme court's judgment cited above.

3. The departmental representative states that separately, a Single Judge of the Patna High Court in CWJC No. 1593/1992 by his order dated 12.8.1993 had opined that while delivering the aforesaid judgment, certain aspects of the matter had not been placed before the Hon'ble Supreme Court. Thereupon, the matter was carried to the Division Bench of the Patna

High Court who in their order dated 23.12.1993 in CWJC
5729/1991¹ and connected cases had rejected the
contention of the Advocate General appearing on behalf
of the State and in the light of the Supreme Court's
decision held that the Lohar community did enjoy the
status of ST in Bihar State. Against that judgment of
the Division Bench of the Patna High Court, we are
informed that an SLP has been filed in the Hon'ble
Supreme Court where the matter is awaiting disposal,
but no stay has been granted.

4. Shri Dushyant Pal, departmental
representative, also informs us that they have
separately taken up the matter with the Department of
Personnel & Training and the subject is under
correspondence with them.

5. Be that as it may, in the light of the
Hon'ble Supreme Court's decision dated 12.9.1990
referred to above, respondents are directed to
consider amending the seniority list by adding the
words "Scheduled Tribe" against applicant's name under
column 4 of the said list, with the further addition
of the word "Provisional" till such time as the
respondents receive a final reply from the Department
of Personnel & Training.

6. These directions should be implemented
within two months from the date of receipt of a copy
of this order.

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7. The O.A. stands disposed of. No costs.

A. Vedavalli

(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

/AS/