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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 691 of 1997

New Delhi, this the 2nd day of September, 1997.

Hon'ble Dr. Jose P. Verghese, Vice Chairman(J)
Hon'ble Mr. N. Sahu, Member(A)

Sunil
S/o Ajab Rao Umap
R/o of Tq. Katol,
District Nagpur

...Applicant

(By Advocate : Shri K.R. Lambat)

Versus

1. The Union Public Service Commission
through its Secretary
New Delhi

2. The Union of India
through the Secretary
Ministry of Personnel,
P.G. & Pensions,
Department of Personnel & Training
New Delhi

3. The Secretary
Social Welfare & Sports Department,
Mantralaya
Bombay. ... Respondents

(By Advocate : Shri V.S.R. Krishna)

ORDER (Oral)

Hon'ble Dr. Jose P. Verghese, Vice Chairman(J) -

The petitioner in this OA is aggrieved by the order of the Respondent No.1, Union Public Service Commission, dated 27.05.1996 by which the petitioner has been informed that the OBC certificate submitted by him does not show one of the sub-castes indicated against serial No. 159 in the list of Maharashtra State issued by the Ministry of Welfare. For want of

this OBC claim the petitioner has not been treated as eligible for consideration. By the same order he was required to submit the fresh OBC certificate within a period of 20 days showing ~~that Caste~~ that one of the sub-castes is shown in the central list. Till then the candidature of the petitioner was to remain provisional. Thereafter, the petitioner approached the respondent, UPSC by an application by way of reply on 02.07.1996 enclosing the certificate issued by the State Government on 29.06.1996 stating that the Caste 'Mali' and its sub-castes are included at serial No.182 of the Other Backward Class list of the State Government and Government of India has also included the same Caste and its sub-castes at serial No.159 of the Central Backward List. In view of this, the petitioner had approached the respondents, UPSC to release his provisional consideration and convert the same into a regular consideration. Since no response was forthcoming, this OA was filed in this court. Thereafter the notice was issued and the counsel appeared for the respondents had made several attempts to contact the authorities concerned including the Government of Maharashtra and it is stated that no response have come from the Government of Maharashtra. But the report of Government of Maharashtra is already available at Annexure-F, page 27 of the paper-book and in view of the fact that the Government of Maharashtra has already clarified by this letter and that letter is seen to have been addressed to UPSC itself, we

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find no reason but to allow this OA and direct the UPSC to consider the petitioner as regular candidate. All provisional action taken shall be ^{deemed to} have been taken as regular and all the consequential benefits as has been given to his batch-mates be given to the petitioner as well.

2. The OA is disposed of as above. No order as to costs.

Transcribed

(N. Sahu)
Member (A)

(Dr. Jose P. Verghese)
Vice Chairman (J)

/Kant/