

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1702/88 198
T.A. No.

DATE OF DECISION 5.6.89

Shri Surya Pal Petitioner

None Advocate for the Petitioner(s)

Versus

Union of India & another Respondent

Shri M.L.Verma, ~~Advocate~~ Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Ajay Johri, Member(A)

The Hon'ble Mr. G.Sreedharan Nair, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? ☒
2. To be referred to the Reporter or not? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement? ☒
4. Whether it needs to be circulated to other Benches of the Tribunal? ☒

MGIPRRND-12 CAT/86-3-12-86-15,000

(G.SREEDHARAN NAIR)
MEMBER(J)

(AJAY JOHRI)
MEMBER(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI.

REGN.NO.OA 1702/88

Date of decision: 5.6.1989

Shri Surya Pal

..... Applicant

Vs.

Union of India & another Respondents

Coram: Hon'ble Mr. Ajay Johri, Member(A)

Hon'ble Mr. G. Sreedharan Nair, Member(J)

For the applicant

.....

None

For the Respondents

.....

Shri M.L.Verma, Counsel
with Shri Ashok Ajmani,
Section Officer.

(Judgement of the Bench delivered by Hon'ble
Mr. G. Sreedharan Nair, Member(J))

No representation for the applicant. Learned counsel of the respondents with Shri Ashok Ajmani, Section Officer, departmental representative, is present with the concerned file.

2. We have examined the records. It is seen that after the reply was filed by the respondents, the applicant has never appeared and has not chosen to file the rejoinder. The relief claimed in the application is to issue directions to the respondents not to terminate the services of the applicant and to quash the order dated 17.8.1988 under which it was decided to terminate the services of the applicant.

3. The applicant was a candidate for the Clerks Grade Examination held by the Staff Selection Commission in the year 1986. He was declared successful treating him as belonging to the Scheduled Tribes. Accordingly the order dated 12.11.1987 was issued appointing him. In the said order, he was indicated as belonging to the Scheduled Tribe. Immediately the applicant brought to the notice of the Administration that mentioning of Scheduled Tribe against his name is not correct as he does not belong to the Scheduled Tribes. It was thereupon that the

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decision was taken to terminate his services on the ground that he had not qualified in the general category but ^{only} in the category of Scheduled Tribes on relaxed standards.

4. In the reply filed by the respondents, it is stated that in the application form the applicant had ticked in the column to indicate that he actually belongs to Scheduled Tribes and it was ^{based} on that ~~action~~ ^{him} that he was selected treating/as belonging to the Scheduled Tribes and complying with the relaxed standards. It is stated that when it was brought to the notice of the respondents that the applicant does not actually belong to the category of Scheduled Tribes, the impugned order was passed to terminate his services.

5. The representative of the department has produced before us for our perusal, the application form that was presented by the applicant herein. It is seen that he has actually ticked in the column ^{relating to} of Scheduled Tribes indicating therein that he actually belongs to the Scheduled Tribes. Once it is admitted that he ^{does not} belongs to the Scheduled Tribes, and since he has ^{not} qualified in the ^{general} ~~said~~ category, the respondents cannot be faulted for cancelling his selection and terminating his services.

6. Application rejected.

C-807
5.6.1989
(G.SREEDHARAN NAIR)
MEMBER(J)

28/3/89
(AJAY JOHRI)
MEMBER(A)

5.6.1989