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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

Regn. No. CA 504/88

Dated 12.8.1993

Shri Karan Singh ... Applicant
Vs.
Union of India & Ors ... Respondents
For the Applicant ... Shri V.P. Sharma
For the Respondents ... None

CORAM Hon'ble Mr. I.K. Rasgotra, Administrative Member
Hon'ble Mr. B.S. Hedge, Member (Judicial)

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)

(By Hon'ble Mr. I.K. Rasgotra, Member (A))

We have heard Shri V.P. Sharma, Counsel, appearing for the applicant, at length and perused the record of case. The respondents have not entered appearance and nor filed the counter affidavit despite several opportunities provided to them. On 23.4.1993 the right of the respondents to file the counter affidavit was forfeited.

The case of the petitioner is that he joined the Northern Railways as Assistant Station Master on 16.11.1959, against vacancy reserved for Scheduled Tribes. He belongs to 'Meena Tribe'. Later when the petitioner was not getting the promotion by virtue of his being a member of the Scheduled Tribes he made a representation to the Divisional Superintendent (now Divisional Railway Manager), Bikaner seeking promotion by virtue of his being a member of Scheduled Tribes. The Divisional Superintendent, Bikaner vide letter dated 16.9.1976 from the collector and State of Rajasthan has annexed certificate issued by Sub Divisional Magistrate on 13.7.1983 and by Tehsildar, Neem-ka-Thana, Sikar on 22.11.1982. With the O.A. these certificates are not, however, issued by Collector.

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...2.

According to the instructions for production of SC/ST Certificate issued by the Government of India the under mentioned authorities have been empowered to issue the said certificate on verification:

1. District Magistrate/Additional District Magistrate/Collector, Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/1st Class Stipendiary Magistrate/*Sub Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.
2. Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
3. Revenue Officer not below the rank of Tehsildar.
4. Sub Divisional Officer of the area where the candidate and/or his family normally resides".

(Swamy's Compilation on Reservation and Concessions for Scheduled Castes and Scheduled Tribes Page 4).

The Certificates adverted to earlier have been issued by the Competent Authority as listed in Appendix III referred to above.


We do not intend to go into the merits of the case as the cause of action in this case had arisen when the respondents denied the benefit of promotion to the petitioner by virtue of his belonging to the Scheduled Tribes. It is apparent from (Page 13 of the paper book) from the letter issued by the Divisional Superintendent dated 8.2.1977 informing the petitioner that he has failed to produce the certificate from the Collector to the effect that he belongs to the community of Scheduled Tribes that the cause of action relates to 1976 or 1977. Accordingly, the


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agitated is stale and highly belated. The Tribunal has no jurisdiction to go into the matters relating to prior to 1.11.1982.

Accordingly, the case is dismissed for want of jurisdiction. No cost.


(B.S. HEDGE)
Member (J)


(I.K. RASTOTRA)
Member (A)