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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 226 OF 1994
IN
O.A. NO. 1945 of 1988

New Delhi this the 3rd day of May, 1995

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Lal Singh S/O Nathu Ram,
Village Jharoda,
Majra Burari,
Delhi-110009.

Applicant

(By Shri P. B. Bhasin, Advocate)

Versus

1. Shri Masihuzzaman,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Shri Tribuhwan Gupta,
D.S.(C) D.R.M.'s Office
(PWI/PQRS, Safdarjung),
New Delhi.

Respondents

(By Shri R. L. Dhawan, Advocate)

ORDER (ORAL)

Shri Justice S. C. Mathur —

The applicant alleges disobedience by the respondents of the Tribunal's order dated 9.12.1993 passed in O.A. No. 1945/88 - Lal Singh vs. General Manager, Northern Railway & Anr,

2. The aforesaid O.A. was directed against disengagement of the applicant as a casual labour. The Tribunal allowed the application and directed as follows :-

"The application, therefore, is disposed of with the direction to the respondents to reinstate the applicant forthwith within a period of 3 months from the date of receipt of this order, and the applicant is entitled for engagement/regularisation in preference to juniors and freshers from market and the applicant is further entitled to wages on regular basis from the date of joining."

3. The applicant's case is that he has not been reinstated.

4. In the reply filed on behalf of the respondents, it has been stated that the applicant was offered appointment to the post of Safaiwala by order dated 13.1.1995, but the applicant did not join in pursuance thereof. On this basis, it is submitted that no contempt has been committed.

5. The learned counsel for the applicant has not disputed the offer which was made. In reply he has submitted that the applicant is not a Scheduled Caste and, therefore, he could not be offered the post of Safaiwala which is reserved for Scheduled Caste only. The learned counsel has not brought to our notice any order or law under which the post of Safaiwala is reserved exclusively for Scheduled Castes. In fact, after abolition of untouchability in the Constitution, an offer of such a post cannot be denied on the ground that the person to whom the offer is made does not belong to the Scheduled Caste. Such a view was expressed by a Division Bench of this Tribunal while vacating interim order in O.A. No. 182/93 - Surender Kumar vs. General Manager, Northern Railway & Anr. on 15.4.1993.

6. In view of the above, if the applicant has failed to get reinstatement, no one else is to be blamed except the applicant himself.

7. The application lacks merit and is hereby dismissed but without any order as to costs. Notice issued is discharged.

P. J. *[Signature]*

/as/

(P. T. Thiruvengadam)
Member (A)

[Signature]
(S. C. Mathur)
Chairman