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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. NO. 172/2004 in
O.A. NO. 326/2004

New Delhi, this the 12th day of July, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A. SINGH, MEMBER (A)

Dr. Homeshwar Tongbram
Quarters No. 3, Type-II.
Minto Road
New Delhi - 110 002. Applicant

Versus

1. Union of India
through its Secretary
Government of India
Ministry of Health & Family Welfare
(Department of Health)
Nirman Bhawan
New Delhi - 110 011.
2. Shri Y.K. Talwar
Dy. Secretary to the Govt. of India
Ministry of Health & Family Welfare
(Department of Health)
Nirman Bhawan
New Delhi - 110 011.
3. Under Secretary
Ministry of Health & Family Welfare
(Department of Health)
Nirman Bhawan
New Delhi - 110 011. Respondents

O R D E R (By Circulation)

Justice V.S. Aggarwal:-

The applicant had filed O.A. No. 326/2004. The dispute basically was as to if the applicant was a Scheduled Tribe or not. Taking stock of the nature of the controversy raised, it was directed:

"a) Applicant shall undergo the DNA test. The State should bear the initial expenses. Applicant shall be responsible to make available the necessary persons for the said test. Otherwise it shall be presumed that he is not willing to undergo the same.

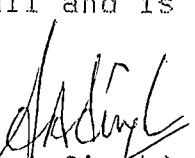
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b) If the DNA test is in favour of the applicant, the State shall bear expenses otherwise the applicant would be liable to bear the expenses which can be recovered in accordance with law. In case the applicant is held to be a Scheduled Tribe, necessary action shall be taken in accordance with law."

2. Applicant seeks review of the said order basically stating that time limit should have been fixed. The contention raised is that DNA test should be held without prejudice to his rights and impugned orders should have been quashed.

3. We have gone through the relevant record. The DNA test was directed keeping in view the totality of circumstances and once the said test comes into being, it has already been directed that in case the applicant is held to be an S.T., necessary action shall be taken in accordance with law. Since it is a sophisticated test, we had not deemed it appropriate to fix any time limit.

4. We find that there is no error apparent on the face of the record. Resultantly, the petition must fail and is dismissed in circulation.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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