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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.919 of 1993

Date of Decision: 29.4.93

R.R.ShahApplicant.

Versus

Union of India & othersRespondents.

CORAM:

Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman,

Hon'ble Mr. S.R.Adige, Member(A)

For the applicant: Shri J.P.Vergheese, Counsel.

JUDGMENT(ORAL)

(By Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman)

A charge-memorandum was given to the applicant in connection with the departmental enquiry. He has approached this Tribunal against Annexure-A1 to the memorandum issued on 19.11.92 to the applicant. In the statement of articles of charge framed against him, there are three articles. The charge, in substance is that in 1964, the applicant gave out that he belonged to 'Gond' community whereas, in fact, he belongs to 'Gour' community. He thus got the benefit of being a member of^a Scheduled Tribe.

2. Learned counsel has urged that in 1964, 'Gond' community as well as 'Gour' community were included in the schedule pertaining to Scheduled Tribe and it make no difference whether the applicant belonged to one community or the other community so long as he belonged to the Scheduled Tribes.

3. We are not inclined to interfere with the proceedings at this stage. However, it is a fit case where the Enquiry Officer should be directed to decide the preliminary question as to whether in the year 1964, 'Gour' community was included in the list of Scheduled Tribes in the State of Bihar. If he comes to conclusion that the members of 'Gour'

community in Bihar in 1964 were included in the list of Scheduled Tribe community, when the applicant entered the service in 1964, he shall drop the proceedings.

4 . With these directions, this application is disposed of but without any order as to costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE-CHAIRMAN (J)

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