

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.815 OF 2004

WEDNESDAY, THIS THE 4<sup>TH</sup> DAY OF APRIL, 2007

HON'BLE MR. K. S. MENON, MEMBER-A  
HON'BLE MR. S. K. DHAL, MEMBER-J

Sunnawar Son of Rajak,  
Resident of Village and Post Sadat,  
District-Ghazipur.

.....Applicant

By Advocate : Shri O. P. Sharma

Versus

1. Union of India through Secretary of Defence,  
New Delhi.
2. Lt. Col. P. R. Das,  
CO 92 UP BN NCC, Ghazipur.
3. Ram Bharose Ram Son of Late Shri Bandhu Ram  
Resident of Village/Post Betaber Kala,  
District Ghazipur.

.....Respondents

By Advocate : Shri S. Singh & Shri K. K. Yadav

O R D E R

HON'BLE MR. S. K. DHAL, MEMBER-J

Originally the applicant had filed the OA with a prayer for direction to the Respondents to produce the entire record relating to selection process held on 11.06.2004 regarding selection of Safaikar in 1992 U.P. Battalion N.C.C., Ghazipur and to direct the respondents no.2 to appoint the applicant as such at Ghazipur in view of the marks obtained in earlier selection process ignoring the manipulation of marks in favour of Sri Ram Bharose with a further prayer for suitable relief. It is submitted on behalf of applicant that he has made a representation to the Collector for issuance of caste certificate and his representation is pending, and that would decide his case.

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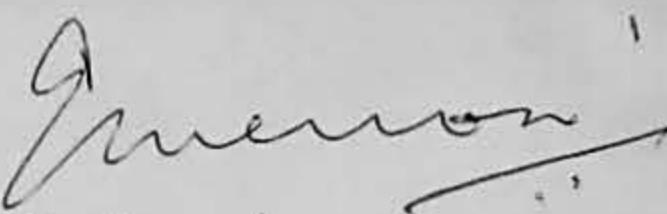
2. In the counter affidavit it is averred that the OA is not maintainable because the applicant belongs to State Government employee and this Tribunal does not have jurisdiction to entertain the application.

3. Upon hearing learned counsel for both the parties and without going into the merit of the case, we are of the view that the Tribunal has no jurisdiction to declare a person to which caste he belongs. The District Magistrate is not a party in the present OA so we cannot direct him to dispose of the application pending before him. The respondents are advised to move the District Magistrate before whom the application is pending for disposal of his application.

*by order*

4. When there is no claim with the above observation, we dismiss the O.A. No Costs.

  
Member-J

  
Member-A

/ns/