

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF SEPTEMBER, 2000

Original Application No.1249 of 1995

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.M.P.SINGH, MEMBER(A)

Akchhaya Lal, son of Shyam sunder
R/o village Darao
P.O.Bansdih, District Ballia.

... Applicant

(By Adv: Shri S.N.Srivastava)

Versus

1. The Deputy Chief Personal Officer,
Varanasi(D.L.W)
2. The General Manager, Indian Railway
Diesel Locomotive Works,
Varanasi.
3. The Chief Personal Officer,
Diesel Locomotive Works,
Varanasi.
4. The District Magistrate, Ballia.
5. Tahsildar, Bansdih, Ballia

... Respondents

(By Adv: Shri Amit Sthalekar)

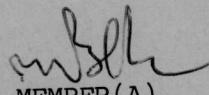
O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

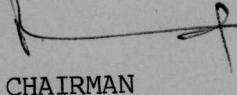
We have heard Shri Rajesh Srivastava, holding brief of Shri S.N.Srivastava, learned counsel for the applicant and Shri Amit Sthalekar, learned counsel appearing for the respondents. It appears that the applicant appeared for selection for the post of Works Mistri(SOM) and he was declared successful by Railway Service Commission(Now known as Railway Recruitment Board). In these proceedings applicant represented himself as scheduled ^{tribe} candidate and also filed the caste certificate dated 2.11.1995 issued by Tahsildar, Bansdih district Ballia. In this certificate the applicant was mentioned as 'Gond'. With reference to the Presidential Order of 1950 Scheduled Tribes UP order of 1967 he was certified as a scheduled Tribe candidate. On the basis of the selection appointment order was

also issued on 4.7.1995. However, as the authorities doubted the correctness of the certificate before he was given appointment, he was again asked to file a fresh caste certificate by order dated 18.7.1995. It is not disputed that applicant filed OS No.652/84 in the court of Addl. Munsif VI, Ballia in which it was declared that the applicant is a scheduled caste candidate and not scheduled tribe. The suit was decreed. The decree had become final between the parties as learned counsel for the applicant has not placed before us any document showing that this judgement was revised by any court. It has also come on record that the Govt. Notification have been modified and the 'Gond' has been taken away from the list of scheduled tribe. It is also not disputed that the post for which the applicant was selected was reserved for scheduled tribe candidate.

In these facts and circumstances we do not find that the applicant is entitled for any relief from this Tribunal. The application is dismissed accordingly. However, there will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 4.9.2000

Uv/