

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A. No. 31/1995

Date of Order : 14.5.199

Prem Lal Nayak S/o Shri Naru Ram,
By Caste Bhil, R/o Village & Post Office Boranada
Tehsil and District, Jodhpur (Rajasthan).

Applicant.

Versus

1. Union of India, through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Deputy Chief Mechanical Engineer (P)
Northern Railway, Jodhpur.
3. The Assistant Personnel Officer (P)
Northern Railway, Jodhpur.

Respondents.

Mr. S.K. Malik, Counsel for the applicant.

Mr. V.D. Vyas, Counsel for the respondents.

CORAM :

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

PER HON'BLE MR. GOPAL KRISHNA :

Applicant Prem Lal Nayak has filed this application under section 19 of the Administrative Tribunals Act, 1985, mainly praying for a direction to the respondents to issue appointment letter to him on the post of Khalasi.

2. We have heard the learned counsel for the parties and have gone through the records of the case.

3. The facts leading to this case are as follows. The respondents had invited names through the Employment Exchange from the Scheduled Tribe candidates only for appointment on the post of Khalasi scale Rs. 750-940. After the formalities were gone through, the applicant appeared before the Selection Board which conducted the test of the applicant. The applicant was declared successful and his name has been shown at serial No. 28 of the merit list at Annexure A/4 dated 30.12.1992. Despite waiting for 10 months, no reply

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was received from the respondents. It came to light that appointment was denied to the applicant on the ground that there was a dispute regarding the caste certificate furnished by the applicant and no appointment could be made till final clarification was given by the District Magistrate, Jodhpur, regarding the caste certificate issued by the Tehsildar, Jodhpur. The respondents contested the application on the ground that the surname of the applicant shows that he is a Nayak which falls in the category of Scheduled Caste and since the applications were invited only from the Scheduled Tribe candidates and there was an inquiry pending regarding the caste of the applicant, appointment could not be offered to him.

4. The applicant has produced a communication from the Collector dated 5.5.1997 at Annexure A/9 addressed to the Assistant Personnel Officer (Work Shop), Northern Railway, Jodhpur which shows that the applicant is a **Bhil** which falls in the category of Scheduled Tribe. The validity of the caste certificate issued by the Tehsildar vide Annexure A/1 dated 23.5.1987 and the Collector vide Annexure A/9 dated 5.5.1997 cannot be called in question by this Tribunal. In view of the fact that the applicant is a **Bhil** and falls in the category of Scheduled Tribe, the respondents should have offered appointment to him on the post of Khalasi. In the circumstances, we direct the respondents to issue offer of appointment to the applicant on the post of Khalasi as per his placement in the panel at Annexure A/4 dated 30.12.1992 within a period of four months from the date of receipt of a copy of this order.

5. The O.A. is allowed accordingly with no order as to costs.

Gopal Singh
(GOPAL SINGH)

Adm. Member

Gopal Krishna
(GOPAL KRISHNA)
Vice Chairman

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Part II and III destroyed
in my presence on 17.3.2003
under the supervision of
Section Officer (R) as per
order dated 31.12.2003

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Section Officer (Record)