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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 214/2008

Date of decision: 7.7.2011

**CORAM: HON'BLE DR. K.B. SURESH, MEMBER (J) &
HON'BLE MR. SUDHIR KUMAR, MEMBER (A)**

Baboo Lal s/o Lachha Ji, by caste Meena aged 45 years, R/o Village Post Sajat Road, District Pali, working as Helper (Electric) under Respondent no.3 .

....Applicant

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

Versus

1. Union of India through General Manager, Northern Western Railway, Jaipur.
2. Divisional Railway Manager, (Establishment), Ajmer N/W Railway.
3. Senior Section Engineer, (Electric) Marwar Junction, District, Pali N.W Railway.

....Respondents

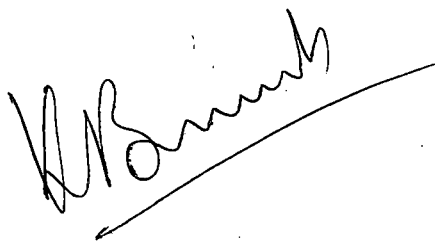
Mr. Vinay Jain, Counsel for respondents.

ORDER

Per Dr. K.B. Suresh, Member (Judicial)

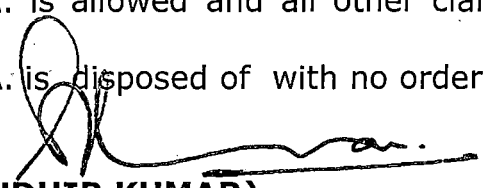
Heard both the learned counsels.

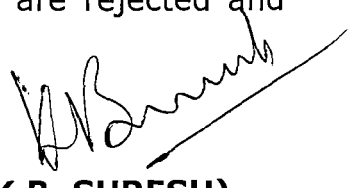
2. The applicant would claim the benefits of being member of Scheduled Tribe from the date of initial appointment in 1984. There is no whisper of a suggestion that the respondents had been energized with knowledge of him belonging to a group which needs protection at the time of his initial appointment. The respondents would say that he has filed Annexure A/3, which a caste certificate is issued in 1987. But,



there is no tangible evidence of that having reached the respondents and they would claim that they came know about in 2006 when they corrected the position as him belonging to Scheduled Tribe candidate. They would also state that there is ^{no} Scheduled Tribe in the ladder of Re. career progression so ^{far, and} that he had not suffered any prejudice at all. Re.

3. The learned counsel for the applicant would reply upon Annexure A/7, which is a seniority list in which he has been shown as belonging to Scheduled Caste dated 1.9.2003 and therefore some notion of him belonging to depressed group would have reached the respondents and on account of this grant ^{of} a status of Scheduled Caste. The Re. interpolation between SC and ST might be a ~~an~~ human error and at Re. that point of time the respondents had knowledge of the status of the applicant as belonging to a depressed group. Therefore, we declare that for all purposes applicant has to be treated as belonging to Scheduled Tribe from 1.9.2003 and if any benefits are eligible to him on this date then it be granted to him. To that limited extent the Re. O.A. is allowed and all other claims of the applicant are rejected and Re. O.A. is disposed of with no order as to costs.


(SUDHIR KUMAR)
MEMBER (A)
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(DR. K.B. SURESH)
MEMBER (J)