

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**Original Application No.69/2010  
With  
Misc. Application No.54/2010**

Date of decision: 09/05/2011.

**Hon'ble Dr. K.B. Suresh, Judicial Member.**  
**Hon'ble Mr. Sudhir Kumar, Administrative Member.**

Mangi Lal S/o Shri Naindasji, aged about 52 years, R/o Rani Khurd, Tehsil Desuri, District Pali, Rajasthan. Last employed on the post of Postal Assistant in the office of Pali Head Office, Pali, Rajasthan.

: Applicant.

Rep. By: J.K. Mishra, counsel for applicant.

**Versus**

1. Union of India, through Secretary to the Government of India, Ministry of Communication & Information Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Director, Postal Services, Office of the PMG, Western Region, Jodhpur.
3. Superintendent of Post Offices, Pali Division, District Pali Marwar (Raj.).

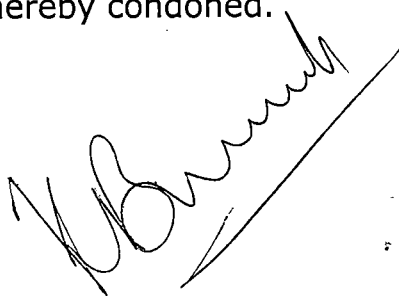
: Respondents.

Rep. By: Mr. M.S. Godara, proxy counsel for  
Mr. Vinit Mathur, counsel for respondents.

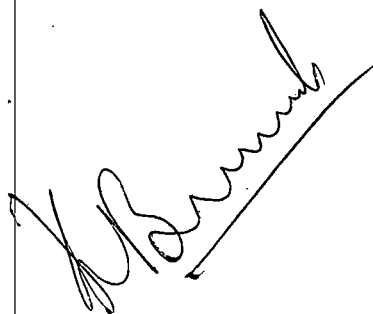
**ORDER**

**Per Dr. K.B. Suresh, Judicial Member.**

Perused the Misc. Application No.54/2010 for condonation of delay. The grounds mentioned in the application for condoning the delay in filing of the Original Application No.69/2010 appears to be genuine as such this Misc. Application is allowed and the delay in filing the O.A. No.69/2010 is hereby condoned.



2. The issue is whether the applicant belongs to Rangaswami caste and is a sub-caste of the Bhil or not. The Bhil caste is included in the Scheduled Tribe list by the Government of India and State of Rajasthan. It would appear that the District Magistrate, Pali had cancelled his caste certificate, for which he had approached this Tribunal. But the Hon'ble Apex Court in **Kumari Madhuri Patil & Anr. Vs. Additional Commissioner, Tribal Development and others**, AIR 1995 SC 94, had stipulated the methodology of determination of the caste structure for the purpose of cancellation. It had directed that all the State Governments shall constitute a Committee of three officers, namely, (i) an Additional or Joint Secretary or any officer higher in rank of the Director of the concerned department, (ii) the Director, Social Welfare, and (iii) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case of the Schedules Tribes, the Research Officer who has intimate knowledge in the verification and issuance of the social status certificates has also to be made a member of the Committee. The judgment of the Hon'ble Apex Court determined that the enquiry should be conducted by the Committee by a day-to-day proceedings and no suit or other proceedings shall lie before any other authority in that respect. Therefore, cancellation can be made only by a Committee of scrutiny and not by a Revenue Authority. Therefore, the following orders are issued:



- (i) The impugned charge sheet dated 03.03.2003 (Annexure-A/1), penalty order dated 24.04.2008 (Annexure-A/2) and the District Magistrate's report is hereby quashed.
- (ii) If the applicant is not in service then he may be reinstated and the further benefit of reinstatement shall await the decision of the Committee.
- (iii) The respondents are directed to immediately approach the Secretary, incharge of Scheduled Castes and Scheduled Tribes in the State of Rajasthan within one month from today with all documents in their possession for determination of the caste status of the applicant.
- (iv) In view of long pendency of the matter, the Secretary shall take appropriate steps for the resolution of the issue within three months next.
- (v) The applicant shall cooperate with the enquiry in the fullest sense of the term.

3. Thus, the O.A. is allowed to the limited extent as stated above. There shall be no order as to costs.

  
[Sudhir Kumar]  
Administrative Member

  
[Dr. K.B. Suresh]  
Judicial Member