

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.537/95

Tuesday, this the 13th day of August, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

VG Mohammed,
Scientific Assistant,
Minicoy,
Meteorology, Observatory,
U.T. of Lakshadweep. - Applicant

By Advocate Mrs VP Seemanthini

Vs

1. Union of India represented
by Secretary to Government of India,
Ministry of Welfare,
New Delhi.
2. Director General of Meteorology
Regional Metrological Centre,
50, College Road,
Madras-6.
3. Deputy Collector,
Minicoy,
Union Territory of Lakshadweep. - Respondents

By Advocate Mr James Kurian, Additional Central Government
Standing Counsel(for R.1&2)

By Advocate Ms Beena for Mr MVS Nampoothiry(for R.3)

The application having been heard on 13.8.96 the
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks to quash A-4 order of the Executive
Magistrate, Minicoy Island rejecting his request to certify him
as member of a Scheduled Tribe.

2. Natives of the Lakshadweep islands have been declared as members of a Scheduled Tribe by a Presidential order. Applicant's mother Amina was a native of these islands while his father Alikoya was not a native of the Lakshadweep Islands. Applicant was treated as a member of Scheduled Tribe until A-3 order was issued reverting him to the post of Senior Observer from the post of Scientific Assistant, and directing him to produce a certificate of his community status.

3. According to learned counsel for applicant, acceptance by a community will make a person a member of that community. She relied on A-6 certificate issued by a 'Moopan' to contend that applicant had been accepted by the community as its member. Moopan's certificate cannot help applicant, as it makes no reference to acceptance by the community. It only states that Alikoya(father of applicant) was a member of Aoumagu village. Membership of a village may not be membership of a community in the legal sense, irrespective of Moopan's intendment. Learned counsel for the Administration submitted that only a person whose mother and father were born in an island, would be a member of a Scheduled Tribe. On the other hand, counsel for applicant would say that in addition to this, acceptance by the community would also make one a member of that community. (N.E.Horo Vs Smt Jahan Ara Jaipal Singh, AIR 1972 SC 1840). I do not propose to express any opinion on this, for the short reason that there is not even a proper certificate to support this case. Counsel submitted that an opportunity may be granted to applicant to obtain a certificate and move the Executive Magistrate again. Such opportunity

is granted to applicant to move the Executive Magistrate. If he does this within one month from today, the order of reversion will be held in abeyance till the Executive Magistrate takes a decision in the matter.

4. With this direction the application is disposed of without expressing any opinion on the merits. No costs.

Dated, the 13th August, 1996.

Chettur Sankaran Nair

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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