

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE.

DATED THIS THE NINETEENTH DAY OF DECEMBER, 1986.

APPLICATION NO. 1514/86 (T)
(W.P. No. 14547/85)

Present: Hon'ble Mr. Justice K.S. Puttaswamy,
Vice-Chairman,
and
Hon'ble Mr. L.H.A. Rego, Member (A).


Between:

1. S.A. Sadananda,
Topo Auxillary Gr.II,
No.8, Party Survey of India,
No.81, Richmond Road,
Bangalore-25.
2. Karnataka Rajyada Maleru Vargada Sangha (Reg),
80/4, 9th Cross, 11th Main,
Malleswaram,
Bangalore-3.
(Shri H.S. Jois, Advocate) Applicants.

and

1. Union of India, rep. by its Secretary,
Ministry of Home Affairs,
New Delhi.
2. State of Karnataka, rep. by its Chief Secretary,
Vidhana Soudha,
Bangalore.
3. Civil Rights Enforcement Cell,
Bangalore.
(Shri M.S. Padmarajaiah, CGSC) ...Respondents.

This case coming on for hearing today before this Court,
Hon'ble Mr. K.S. Puttaswamy, Vice-Chairman, made the
following:-



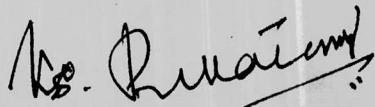
The order made by the Supreme Court reads thus:

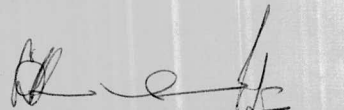
"Issue rule. Pending writ petition, there will be stay of criminal proceedings against the petitioners."

On the very terms of this order, the respondents cannot prosecute applicant No.1 and are bound to modulate the same in conformity with that order.

4. When the very question is seized by the apex Court of the land, which is bound to be implemented, it is inappropriate for us to examine the same and make any declaration. For this very reason, we consider it wholly unnecessary to keep this application pending till the matter is finally decided by the Supreme Court.

5. We leave open all questions and dispose of this application with the observations made earlier, with no order as to costs.


VICE CHAIRMAN


MEMBER. (A) (R) 19/11/80

dms.

O R D E R

In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985 ('the Act'), the applicants have sought for a declaration that a tribe called 'Maleru' was a scheduled Tribe (ST) within the meaning of that term occurring in the Scheduled Tribes Order of 1950 amended by Central Act No. 108 of 1986.

2. Shri S.A. Sadananda, applicant No.1, claims to be a member of ST called 'Maleru' and has secured his appointment and promotion on that basis. Applicant No.2 is an association called Karnataka Rajyada Maleru Vargada Sangha, Bangalore (Association), which is espousing the cause of members called 'Maleru'.

3. The applicants claim that 'Maleru' was a scheduled tribe and the appointments and promotions given to them were valid and legal. On this claim, one of us (K.S. Puttaswamy, J) when functioning as a Judge in the High Court of Karnataka, in S. LAKSHMIKANTHARAO AND OTHERS v. THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS, NEW DELHI AND OTHERS (W.P. Nos. 814 to 818 of 1975 decided on 24.7.1981, had examined the same in depth and express a particular view, the correctness of which is seized in Writ Appeal Nos. 1150 to 1154 of 1981 before the High Court. Besides this, W.P. No. 11894/85 filed by one Shri M. Narayanappa and applicant No.2 is also pending before the Hon'ble Supreme Court of India, which on 17.12.1985 had made an interim order, which is still in force.