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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
(CAMP: NAGPUR)  
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Original Application No: 22/91  
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Transfar Application No:

DATE OF DECISION: 20.9.1994

Shri A.Sasi \_\_\_\_\_Petitioner

Shri Lokhande for Sh.Sudame \_\_\_\_\_Advocate for the Petitioners

Versus  
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● UNION of India & Ors. \_\_\_\_\_Respondent


Shri P.N.Chandurkar \_\_\_\_\_Advocate for the Respondent(s)

CORAM :  
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The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri K.D.Saha, Member (A)

1. To be referred to the Reporter or not ? M
2. Whether it needs to be circulated to other Benches of the Tribunal ? M

  
(K.D.SAHA)

MEMBER (A)

  
(M.S.DESHPANDE)

VICE CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY  
CAMP : NAGPUR

OA.NO. 22/91

Shri A.Sasi ... Applicant

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Shri K.D.Saha

Appearance

Shri Lokhande  
for Shri M.M.Sudame  
Advocate  
for the Applicant

Shri P.N.Chandurkar  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 20.9.1994

(PER: M.S.Deshpande, Vice Chairman)

The applicant was appointed as a Tracer on 8.4.1983. In the order of appointment he came to be described as belonging to Scheduled Tribe though in the application which he made for the job he has mentioned his caste as Scheduled Caste, Sambava. The applicant came to be promoted on 1.1.1984 as Sr.Draftsman w.e.f. 11.4.1984 and he joined that post on 22.7.1987 at Garden Reach, Calcutta. On 7.2.1990 a show cause notice was issued to him, without referring to his service record and original documents the office considered him to be a Scheduled Tribe candidate and further promoted him as Senior Draftsman in the pay scale of Rs.1400-2300 against a vacancy reserved for Scheduled Tribe under the restructuring scheme. However, since he belongs to Scheduled Caste, he would have been eligible only for promotion to Junior Draftsman in the scale of Rs.1200-2040 w.e.f. 11.4.1988 on completion of 5 years service as a Tracer.

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in terms of Estt.Sl.No. 143/85. The applicant filed a reply to this notice on 28.3.1990 stating that he belonged to Scheduled Caste as per the certificate issued by the Government of Kerala but as per the Central Government Classification of caste, his caste fall in the category of Scheduled Tribe and he was considered as Scheduled Tribe and appointment order was also issued to him in that category and right from the beginning of his appointment he was treated as a Scheduled Tribe employee and it was, therefore, wrong to say that it was due to clerical error he was described as Scheduled Tribe instead of Scheduled Caste. On 17.4.1990 the respondents mentioned in their letter that the error could not be detected till the receipt of the applicant's representation dated 6.11.1989 through Railway Board for Inter-Railway transfer from this Railway to Southern Railway in which the applicant admitted that he belonged to SC community. The applicant was asked to produce proof that he belonged to ST Community in support of his statement that he belonged to ST Community.

2. The applicant's contention before us was that it was not his contention that he was belonging to Scheduled Tribe because at the time of entry in service <sup>he had</sup> ~~he~~ stated that he belonged to Scheduled Caste.

3. By the order dated 9.11.1990 the applicant was informed that he was reverted to his original post as Tracer in the scale of Rs. 950-1540 (RP) and on fulfilment of 5 years service as Tracer, promoted <sup>him</sup> as Junior Draftsman in the scale Rs.1200-2040/- (RP) W.e.f. 11.4.1988. The applicant has challenged this order by this petition as arbitrary and has claimed status quo and has also asked for other consequential benefits.

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4. After hearing counsel, it became clear to us that it was not on account of any suppression of facts or mis-representation that the applicant came to be described as Scheduled Tribe. He had correctly mentioned that he belonged to Sambava Caste which was a Scheduled Caste but it was a mistake on the part of the respondents to treat him as Scheduled Tribe - the category to which he did not belong. Though a show cause notice was issued to the applicant, he could not have substantiated that he belonged to Scheduled Tribe category. What he was entitled to was only the post of Junior Draftsman w.e.f. 11.4.1988 after completing 5 years of service and that has been correctly given to him. There is no dispute about the fact of his being now treated as belonging to Scheduled Caste. It will be on this basis that his entitlement would be worked out.

5. In the circumstances, the applicant is not entitled to any relief. The application is dismissed but with a direction that hereafter his entitlement would be decided on the basis that he belongs to Scheduled Caste.



(K.D.SAHA)

MEMBER (A)



(M.S.DESHPANDE)

VICE CHAIRMAN

mrj.