

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
(CAMP: NAGPUR)

Original Application No: 322/92

Transfer Application No:

DATE OF DECISION: 13/03/1995

W.M. Nikhare Petitioner

Shri. M.M. Sudame Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

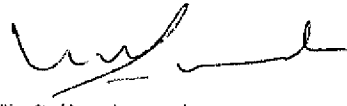
Shri. P.S. Lambat Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Shri M.R.Kolhatkar, Member (A)

1. To be referred to the Reporter or not ? —
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*


(M.S.Deshpande)
Vice Chairman

(7)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A. 322/92

W.M. Nikhare

.. applicant

Vs.

Union of India & Ors.

.. respondents

CORAM : 1. Hon'ble Shri Justice M.S.Deshpande, Vice Chairman
2. Hon'ble Shri M.R.Kolhatkar, Member (A)

Appearances

1. Shri.M.M.Sudame, Counsel
for the applicant

2. Shri.P.S.Lambat, counsel
for the respondents

ORAL JUDGMENT


DATED ; 13/03/1995

(Per Shri Justice M.S.Deshpande, V.C)

The controversy which arises in the present case is the validity of the letter dated 28/30.1.1989 issued by the Collector to the Chief Workshop Manager, Central Railway, Loco Workshops, Parel, Bombay - 400 012 to the effect that since no material was produced before the Tehsildar, Mohadi regarding the caste claim of the present applicant that he belongs to Halbi and was therefore member of Scheduled Tribe, the applicant's caste could not be regarded as Halbi but he belongs^{ed} to 'Koshti' and that his caste claim has not been established. On the basis of this letter, the respondents passed an order dated 11.3.1992 reverting the applicant from the post of Chergeman 'B' to that of Diesel Mechanic and this order has been impugned by the present application. The question as to which was the proper authority to determine the caste claim came-up before this Bench of the Tribunal vide T.A. 520/86 & T.A. 241/87 (Smt.K.K.Mokashi Vs. S.E. Railway & Shri.S.L.Madniwale vs. Union of India & Ors.) and came to be decided on 20.01.1989. The Tribunal observed in para 17 of the judgment that by resolution dated 23.1.1985 the Government of Maharashtra has appointed a Scrutiny Committee for verification of caste certificates of ST persons and one of its functions was to verify the caste certificates of or complaints made by the concerned Department/offices and it was that Scrutiny Committee which could have ^{resolved} ~~interpreted~~ the controversy. In the present

case we find that neither the Tahsildar nor the Collector had adjudicated ^{CM} with the dispute which arose in the year 1989 and no action could have been taken reverting the applicant on the basis of certificate issued by the Collector. Since the caste certificate was issued by the authority which was not empowered to do so, we quash and set aside the report of the District Magistrate (Annexure IX) and direct the respondents to refer the controversy to the S.T. Certificate Scrutiny Committee at Nagpur within two weeks from the date of communication of this order for decision. Till the caste claim is decided by the said Committee, the order reverting the applicant merely on the basis of the invalidation of the caste claim, by the Tahsildar, shall be held in abeyance. The said Committee shall entertain this dispute and decide it as expeditiously as possible.

2. With this direction, the G.A is disposed of. No orders as to costs.



(M.R. KOLHATKAR)
MEMBER (A)


(M.S. DESHPANDE)
VICE-CHAIRMAN

J*