

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 7 JUL 1993

APPLICATION NO(s). 559 of 1993. /

Applicant(s) Dr. Kum. S. Vijayalakshmi

Respondent(s) Secretary, Ministry
v/s. of Health & Family Welfare,
New Delhi and Others.

1.

1. Dr. Kum. S. Vijayalakshmi,
D/o. Late Sri. Lingappa,
C.G.H.S. Dispensary,
3, Basavanagudi,
Bangalore-560 004.

2. Dr. M. S. Nagaraja,
Advocate, No. 11,
Second Floor, I Cross,
Sujatha Complex,
Gandhinagar, Bangalore-9.

3. The Secretary,
Ministry of Health & Family Welfare,
New Delhi.

4. The Deputy Director,
C.G.H.S., Ganesh Towers,
111, Infantry Road,
Bangalore-1.

5. The Director, C.G.H.S.,
Office of the Director General
of Health & Family Welfare,
Nirman Bhavan, New Delhi.

6. Dr. B. T. Uke, Director and Enquiry Authority,
National Tuberculosis Institute, Bangalore.

7. Smt. M. Vasudeva Rao, Central Govt. Stng. Counsel,
High Court Building, Bangalore-560001.

SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.

Please find enclosed herewith a copy of the ORDER/
~~STAY/INTERIM ORDER~~ passed by this Tribunal in the above said
application(s) on 18-06-93.

Issued
Jm

O/c

for
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE EIGHTEENTH DAY OF JUNE 1993

Present:

Hon'ble Mr. Justice P.K. Shyaasundar ... Vice Chairman

Hon'ble Mr. V. Ramakrishnan ... Member [A]

APPLICATION NO.559/93

Dr. Kun. S. Vijayalakshmi,
Aged 43 years,
D/o late Sri Lingappa,
C.G.H.S. Dispensary,
3, Basavanagudi,
Bangalore-4.

... Applicant

[Dr. M.S. Nagaraja ... Advocate]

v.

1. Union of India
represented by
Secretary to Government,
Ministry of Health & Family Welfare,
New Delhi.
2. The Deputy Director,
C.G.H.S.,
Ganesh Towers,
111, Infantry Road,
Bangalore-560 001.
3. The Director, C.G.H.S.,
Office of the Director General
of Health & Family Welfare,
Nirman Bhavan,
New Delhi.
4. Dr. B.T. Uke,
Director and Enquiry Authority,
National Tuberculosis Institute,
Bangalore.

... Respondents

[Shri M.Vasudeva Rao ... Advocate]

This application having come up for admission before this
Tribunal today, Hon'ble Vice-Chairman made the following:

ORDER



1. After the matter was heard for sometime the learned Standing counsel produced for our perusal an order relating to the allocation of castes in the categories belonging to SC and ST. A perusal of that list indicates that the Golla caste to which the applicant belongs is placed in the backward class category in which event it is urged she could not have got the appointment treating as ST candidate.

2. But the fact is that in the initial stages the applicant had made it clear that she belongs to Golla caste classified as Nomadic and Semi Nomadic tribe as disclosed by the caste certificate produced at Annexure A-8. It may be that Golla caste may have been classified as backward tribe but it was also treated as a semi nomadic tribe as mentioned in the caste certificate issued admittedly by a competent authority. In these circumstances it can be said by treating herself as a scheduled tribe candidate the applicant had not suppressed any material in the information that she had furnished to the Public Service Commission, a copy of which is produced at Annexure A-1 wherein it was stated that she was a Golla, and that Golla caste was treated as a nomadic and semi nomadic tribe. All this material was available before the UPSC which could have taken notice of the same and taken the view that Golla caste was not a ST but is only a backward nomadic and semi nomadic tribe. But UPSC have accepted the statement made by the applicant as whatever it was worth and therefore, they cannot now be heard to contend that the applicant had taken them for a ride and had deluded them into treating her as a person belonging to ST although she did not belong to ST. Per se as such it cannot be said that she did not claim

to be a candidate belonging to ST but she did say that she was somebody belonging to a nomadic and semi nomadic group described in the caste certificate which according to her put her into the category of ST but if that was a mistake committed by her it could have been corrected by the authorities at the initial stage. After 17 long years of service they cannot now be allowed to correct an error which we must hold to be not intentionally committed by the applicant.

3. In the circumstances it is futile for the department to embark upon an enquiry with a view to put the applicant out of service. We therefore hold that the enquiry contemplated is thoroughly unwarranted and unjustified coming as it does after a long period of service of 17 years. This is the short point for consideration and on the basis of the submissions made we dispose off this matter finally although the respondents have not filed any written objections which we dispense with in the facts and circumstances of this case. We think it unnecessary to have on record any written objections because no points are in controversy. In view of the above this application succeeds, the enquiry proceedings are quashed. The respondents are enjoined against taking any further steps in the matter.

Sd-

MEMBER [A]

Sd-

VICE-CHAIRMAN

bsv

TRUE COPY

[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRAINING
ADDITIONAL DEPUTY
BANGALORE

7/7/93