

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY
CAMP: NAGPUR

OA NO. 66/93

Ganpati Khunilal Rathod
r/o. RE Type I Block 4
Civil line;
Doubling colony; Gondia;
Dist. Bhandara.

..Applicant

V/s.

Divisional Railway Manager
South Eastern Railway
Nagpur

..Respondent

Coram: Hon.Shri Justice M.S.Deshpande, V.C.
Hon.Shri M Y Priolkar, Member (A)

APPEARANCE:

Mr. M Sudame
counsel
for applicant

Mr. P S Lambat
counsel
for respondent

ORAL JUDGMENT:

DATED: 23.7.93

(PER: M S Deshpande, Vice Chairman)

The applicant was appointed as Trolley man on 26.10.1975 and was confirmed on 1.1.1975. He gave his caste as 'Nagarachi' Scheduled Tribe at the time of his appointment. A caste certificate was, however, produced along with his representation dated 13.6.90 and on 18.7.90, 28.1.92 and 20.2.92 the respondents while considering the representation stated that the applicant's caste status would be given effect only from 23.4.90. Evidently the promotions which had been effected till then were not challenged by the applicant on the basis of the caste nor or any specific pleas are raised in the present application in that regard.

Shri Sudame, counsel for the applicant states that the applicant undertakes not to ask for unsettling the position which is already settled on the basis of his caste. However, since no challenge has been made in connection with promotions

W. S. Lambat

within the period of limitation, the position as it exists to-day cannot be unsettled by declaration of the applicant's caste.

It is clear that the applicant cannot be considered as Scheduled Tribe from the date of his declaration of caste by issuing the certificate and it would be available to him from the date of ~~when the area restrictions were removed, in his entry into service.~~

We, therefore, set aside the impugned order subject to the above conditions and direct that the applicant may be treated as 'Nagarchi' community Scheduled Tribe with effect from the date of ~~his entry into service.~~ *when the area restrictions were removed by the Presidential Order.*

The application is disposed of with the above directions.



(M Y Priolkar)
MEMBER(A)



(M.S. Deshpande)
VICE CHAIRMAN