

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO: 387/95

DATE OF DECISION:26/7/2001

S.B.Rangari

Applicant

Shri G.S.Walia

-----Advocate for  
Applicant.

Versus

Union of India & Anr.

-----Respondents.

Shri V.S.Masurkar

-----Advocate for  
Respondents.

Coram:

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)  
Hon'ble Shri V.K.Majotra, Member(A)

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

(V.K.MAJOTRA)  
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
OA No.387/1995

Mumbai this the 26th day of July, 2001

CORAM:HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN(J)  
HON'BLE SHRI V.K.MAJOTRA, MEMBER(A)

S.B.Rangari,  
Working as  
Jr.Engineer(E),  
Telecom Electrical Circle,  
Dept of Telecommunication,  
Sion,  
Bombay - 400 022. .... Applicant

By Advocate Shri G.S.Walia

V/S.

1. Union of India, through  
General Manager,  
Engineer-in-Chief,  
(Electrical Wing),  
Department of Telecommunication,  
Telecom Commission,  
1501, Devika Tower,  
Nehru Place,  
New Delhi-110 019.
2. Superintending Engineer,  
Telecom Electrical Circle,  
3rd Floor,  
Sion PO Building,  
Bombay - 400 022.

By Advocate Shri V.S.Masurkar

(ORDER) (ORAL)

(Hon'ble Shri V.K.Majotra, Member(A))

Through this OA, the applicant has sought the following reliefs:-

a) This Hon'ble Tribunal will be pleased to order and direct the respondents to include the name of the applicant for the higher scale of Rs.1640-2900(RPS) in the list dated 14/6/94 and grant him all the benefits resulting therefrom and arrears of pay with 18% interest thereon.

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- b) This Hon'ble Tribunal will be pleased to hold and declare that the Applicant is entitled to be considered as a member of Scheduled Caste for the purpose of reservation and other benefits, and direct the respondents to grant all such benefits to him.
- c) This Hon'ble Tribunal will be pleased to order and direct the respondents to expunge the adverse entries made in the Confidential Report of the applicant by letter dated 12/7/94 and not to consider such entry for the purpose of his promotion or otherwise.

2. We have heard the learned counsel of both sides and perused the material on record.

On 14/7/95, the following orders were passed by this Bench:-

Learned counsel for the applicant states that the respondents have already passed an order giving higher payscale. In view of this prayer (a) and (c) has been granted except interest which is not pressed. Only prayer (b) survives.

3. Thus, reliefs (a) and (c) having already been accorded, only relief (b) relating to the prayer that the applicant is a scheduled caste or not survives. The learned counsel of the applicant drew our attention to Exhibit - D (page 18 of OA) dated 27/1/93, which is a representation of the applicant having been submitted to Superintending Engineer(E), Bombay Circle, alongwith a xerox copy of the Caste Certificate and Gazette of India. It is stated that the respondents have not taken a decision on the basis of the Caste Certificate submitted by him alongwith his representation. We notice from our records that though Exhibit D dated 27/1/93 is on record, the enclosed xerox copy of the Caste Certificate said to have been enclosed is just not there.

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4. The learned counsel of the respondents suggested that if the applicant submits the Caste Certificate in accordance with the Rules and instructions on the subject, they will certainly take a decision in the matter. He has also raised a preliminary objection that this Court does not have jurisdiction to decide the question of Caste of the applicant.

5. In view of the above submissions of both sides, in our considered view, it would be just and proper to dispose of the present OA granting liberty to the applicant to make an application to the respondents alongwith documents he relies upon regarding his caste. If such an application is made by the applicant within one month from the date of receipt of a copy of this order, the respondents will consider and decide the issue in accordance with rules and instructions within two months of receipt of representation. No costs.

V.K.Majotra

(V.K.MAJOTRA)  
MEMBER(A)

abp

Lakshmi Swaminathan

(SMT.LAKSHMI SWAMINATHAN)  
VICE CHAIRMAN(J)