

Central Administrative Tribunal
Mumbai Bench

OA No.1021/98

Mumbai this the 25th day of June, 2002.

Hon'ble Mr. B.N. Bahadur, Member (Admnv)
Hon'ble Mr. Shanker Raju, Member (Judl.)

Kum. Sanjaya Jayawant Kudtarkar,
D/o Jaawant Ramchandra Kudtarkar,
R/o 17, Rama Niwas,
Ganesh Nagar, Sanmarsing Road,
Bhandup (W), Mumbai-400 078.

-Applicant

(By Advocate Shri S.P. Kulkarni)

-Versus-

Union of India through:

1. Senior Superintendent of Post Offices,
Mumbai City East Division,
Dadar Post Office Building, 3rd Floor,
Dr. Ambedkar Road, Mumbai-400 014.
2. Chief Postmaster General,
Maharashtra Circle,
Old G.P.O. Building, Fort,
Near Central Railway, Head Quarter,
Mumbai-400 001.
3. Director, Mumbai, G.P.O.,
G.P.O. Building, Near C.S.T,
Central Railway Station, Fort,
Mumbai-400 001.
4. Chairman,
National Commission for Backwar
Classes, Jrikoot-I Building,
Bhikaji Cama Place,
New Delhi-110 001.

-Respondents

(By Advocate Shri V.S. Masurkar)

O R D E R (ORAL)

Mr. Shanker Raju, Member (J):

Applicant impugns an order of the respondents, whereby her name has been removed from the select list of Postal Assistants. The representation made against the aforesaid action of the respondents on 3.6.96 was not disposed of, giving rise^wto the present OA.

2. The contention of the applicant is that she applied for the post of Postal Assistant and was placed in the panel. Her candidature was cancelled on the ground that her caste

'Vaishyawani' does not belong to OBC, as it does not figure in the central list. It is stated by the learned counsel for the applicant that now the matter has been referred to the National Commission for Backward Classes where a decision has been arrived at, which has not been communicated to the applicant or the respondents. In the event the same is in favour of the applicant she has a valid claim and her candidature will have to be restored for the post of Postal Assistant.

3. Respondents in their reply, by referring to a decision of the Ministry of Welfare dated 10.3.96, addressed to the Ministry of Communication, Department of Posts stated that 'Vaishyawani' caste has not been included in the list of OBC in respect of State of Maharashtra. As the selection of the applicant was under OBC and having found that the caste to which applicant belongs is not covered in the list of OBC, she could not get the benefit of OBC and her selection was rightly cancelled.

4. Having regard to the rival contentions of the parties and in view of the decision communicated by the Ministry of Welfare, applicant has no claim to be placed in the panel or appointed de hors the rules, as her caste is not included in the list of OBC. The OA, therefore, fails and is accordingly dismissed. However, it is observed that in the event the decision of the National Commission is in favour of the applicant, she will be at liberty to assail her grievance in the appropriate proceedings, in accordance with law, if so advised. No costs.

S. Raju

(Shanker Raju)
Member (J)

B. N. Bahadur

(B.N. Bahadur)
Member (A)

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