

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 155/96
~~T.A. No.~~

199

DATE OF DECISION 10.5.96

Kamal Singh Solanki Petitioner

Shri B.B. Pareek Advocate for the Petitioner (s)

Versus

Union of India and another Respondent

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. GOPAL KRISHNA, VICE CHAIRMAN

The Hon'ble Mr. O.P. SHARMA, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

(O.P. SHARMA)
MEMBER (A)

(GOPAL KRISHNA)
VICE CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 10.5.96.

QA 155/96

Kamal Singh Solanki ... Applicant

Versus

Union of India and another ... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN
HON'BLE MR. O.P. SHARMA, MEMBER (A)

For the Applicant ... Mr. S.B. Fareek

For the Respondents ...

ORDER

(PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN)

Applicant, Kamal Singh Solanki, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, impugning the order dated 2.3.95, at Ann.A-1, by which his selection to the post of Divisional Accountant was cancelled.

2. We have heard the learned counsel for the applicant and have carefully perused the records.

3. The facts giving rise to this application may be briefly stated as follows. Applicant appeared for selection pursuant to an advertisement published in the Employment News of 6-12.11.93, issued by the Staff Selection Commission, for recruitment of Divisional Accountant under Other Backward Class (for short, OBC) category. The applicant had the requisite educational qualifications and he appeared at the examination which was held on 13.3.94 under Roll No.1713982 at Jaipur. He was declared as Passed and was selected for the post of Divisional Accountant from the Rajasthan Zone under the category of OBCs. He was thereafter asked to submit a certificate issued by the concerned District Magistrate certifying the

C. K. Sharma


fact that he belongs to OBC category. The applicant obtained a certificate from the concerned authority and submitted the same to the Under Secretary (NR) of the Staff Selection Commission in the third week of April '95. However, his selection to the post of Divisional Accountant was cancelled on the ground that he does not belong to an OBC category.

4. The contention of the applicant is that at the time of advertisement and on the date of examination he was in the category of OBC as per the Gazette Notification dated 1.9.93, published by the State Government of Rajasthan, and as such the subsequent exclusion of his caste (Rajput Solanki) from the list of OBCs cannot be made a ground for denying him appointment. The action of the respondents is assailed as being arbitrary and unreasonable since no opportunity of personal hearing was afforded to him before cancelling his selection to the post of Divisional Accountant. It is true that vide a notification, issued by the Rajasthan Government, dated 27.9.93, the caste of Rajput Solanki was included in the list of OBCs. However, by another notification dated 6.8.94 the caste of Rajput Solanki was excluded from the list of OBCs. It is borne out by the record that on the date of appointment to the post of Divisional Accountant the applicant belonged to a caste i.e. Rajput Solanki, which was not included in the list of OBCs notified by the Rajasthan Government on 6.8.94. Since the caste of Rajput Solanki was not included vide notification dated 6.8.94 by the State of Rajasthan, the applicant could not be considered for appointment to the post of Divisional Accountant under OBC category. The relevant date in this behalf is the date of appointment. Since the applicant did not belong to an OBC category on the date of his appointment, there arises no question of giving an opportunity of hearing to him before denying appointment to the said post.

Civil The action of the respondents, therefore, cannot be characterised

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as unreasonable. The application has no substance and it is, therefore, dismissed at the stage of admission.


(O.P. SHARMA)
MEMBER (A)


(GOPAL KRISHNA)
VICE CHAIRMAN

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