

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JABALPUR BENCH**

**Original Application No. 613 of 2004**

Jabalpur, this the 6<sup>th</sup> day of May, 2005

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

1. Ajit Kumar Koshta  
S/o Shri Budhoolal Koshta  
R/o 140, North Miloniganj  
Rajeev Gandhi Ward  
Jabalpur.

2. Munnalal Koshta  
S/o Shri Buttelal Koshta  
R/o 180, south Miloniganj  
Jabalpur.

Applicants.

(By advocate None)

1. Union of India through  
Its Principal Secretary  
Ministry of Finance  
North Block  
New Delhi.

2. Commissioner  
Central Excise and Customs  
Department of Govt. of India  
Near Maida Mill  
Hoshangabad Road  
Bhopal.

3. Commissioner  
Department of Tribal Development  
Govt. of M.P.  
Satpura Bhawan  
Bhopal.

Respondents.

(By advocate : Shri B.Da' Silva)

**ORDER**

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

- (i) To quash the impugned show cause notice dated 4.6.04 issued by respondent No.3.
- (ii) Direct the respondents not to conduct any enquiry as to their caste certificates.

2. The brief facts of the case are that the applicants 1 & 2 were appointed as Sipohi vide order dated 14.3.1983 in the Central Excise & Customs. In the year 1996, due to some controversy as to whether Kosta/Koshti are sub caste of Halva/Halvi are not created by Govt. of M.P. through its Department by name Adimjati Anusandhan Sannsthan Bhopal. Enquiries as to whether the Kosta/Koshti are Scheduled Tribe or not have commenced. The Hon'ble Supreme Court in the case of State of Maharastra Vs. Milind and others held that Kosta/Koshti are not sub caste of Halva/Halvi. Therefore, they are not Scheduled Tribe. However, the Supreme Court in the same decision observed and came to a conclusion that due to latches of time, admission to professional educational institutions of the State and the Central Government became final and should not be touched again and again. On the one hand, the State Government through respondent No.3 conducted an enquiry through its agencies while on the other the respondent No.2 issued show cause notices to the applicants. At the relevant time in the year 1976, there was no procedure as to any entry in any revenue record kept by Revenue Officer for issuance of such certificate. On 4.6.2004, another show cause notice was issued by respondent No.3 asking for similar information without any rhyme or reason, despite the fact that respondent No.2 and 3 have all relevant information, not only supplied by the applicants but have been collected through the enquiry agency also. The respondents are harassing the applicants since 1996 by issuing the aforesaid notices. Hence this OA is filed for quashing the notice dated 4.6.2004 (Annexure A6).

4. Heard the learned counsel for the respondents who argued that by filing this OA, the applicants are calling in question the action taken by respondent No.3. Prima facie, the community to which the applicants belong is not covered in the definition of service matter and this Tribunal is not a proper forum to seek such type of relief and further argued that the applicants are trying to mislead the Tribunal willfully to deviate from the issue involved and the judgment of the Supreme Court is not applicable in the case of the applicants at all. The applicants should have challenged the matter in question before the High Court. Hence this OA deserves to be dismissed.

5. After hearing the learned counsel for the respondents and perusing the records, we find that the respondents have merely issued the alleged show cause notice dated 4.6.2004 (Annexure A6) about the ambiguity of the caste certificate of the applicants. The arguments advanced on behalf of the respondents that this matter is not covered under the definition of service matter and hence this Tribunal is not a proper forum for the redressal of the applicants seem to be legally correct. We therefore find no merit in the OA. Accordingly the OA is dismissed. No costs.

(M.P. Singh)  
Vice Chairman

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....  
प्रतिलिपि अर्जोक्षित:-

- (1) राधिका, उच्च व्याकरण के लिए प्रवेशित, जवलापुर  
 (2) अर्चना श्री / जी / ... को वज्रसंज्ञा  
 (3) राजेश्वरी / जी / ... को कांस्यसंज्ञा  
 (4) कौशिकी / जी / ... को कांस्यसंज्ञा

V.K. Jain Dny  
B. Desai Dny

used  
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