

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
Jabalpur

O.A.No.669/1999

Hon'ble Sh. Sarweshwar Jha, Member (A)
Hon'ble Sh. Bharat Bhushan, Member (J)

Jabalpur, this the 10th day of November, 2003

Dulichand Dayana
s/o Shri Shankarlal Dayama
Millwright
Semiskilled, GMP 21/911
Ordnance Factory
Itarsi, Distt. Hoshangabad
R/o Qr.No.57-D-3, Sector
Piplani, B.H.E.L.
Bhopal.

.. Applicant

(By Advocate: Sh. R.Gupta)

Versus

1. The Union of India
through the Secretary
Ministry of Defence
New Delhi.
 2. The Chairman
Ordnance Factory Board
10-A, Shahid Khudiram Bose Marg
Calcutta.
 3. The General Manager
Ordnance Factory
Itarsi.
- ... Respondents

(By Advocate: Sh. S.A.Dharmadhikari)

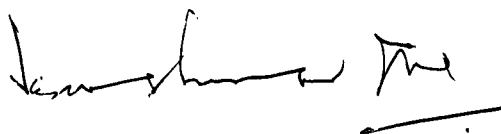
O R D E R (Oral)

By Sh. SARWESHWAR JHA, MEMBER(A):

Heard both the learned counsel.

2. It is observed that the point at issue is the caste of the candidate (applicant). The applicant originally seems to have belonged to Hoshangabad where he had been given caste certificate to the effect that he belonged to 'Keer' community which comes under OBC. The question is whether he could have been given any other certificate after he shifted his residence to Bhopal; and whether the Collector, Bhopal is competent to issue

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such a certificate. The matter became more complex when the respondents have initiated a departmental proceedings against the applicant. It is also apparent on the face of the record that the penalty which had been imposed on him earlier by imposing a penalty of reduction from skilled category to semi skilled category has since been reduced by the appellate authority while disposing of the matter vide Annexure A9.

Reduction from ~~one~~ grade to another grade has been further reduced to only reduction by one stage within the same grade. To this extent, the prayer as has been made by the applicant in the reliefs as explained in Paragraph 7 of his OA seems to have been partly met by the respondents.

3. As regards the question relating to caste certificate, etc. in Paragraph 7.2, the matter seems to have already been considered at length in the departmental proceedings and appropriate relief granted to the applicant vide orders of the appellate authority. The other aspects of his relief relating to payment of arrears as a consequence of his position in the grade of Mill^Wright (Skilled) would be looked into by the respondents as per the rules and instructions on the subject.

4. Under the facts and circumstances of the case and as explained in the OA as well as in the reply of the respondents and also after hearing the learned counsel on both the sides, we^{are}, therefore, of the view that the reliefs as prayed for by the applicant have been significantly granted by the respondents while issuing the orders of the appellate authority. On other aspects of the reliefs, the respondents shall take necessary action as per Rules and

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instructions on the subject. In view of this and as position in the matter, we find no infirmity in the departmental proceedings as conducted by the respondents and as finally decided by them, we are of the view that the OA, in the process, has become infructuous.

5. With this, the OA stands disposed of accordingly. No order as to costs.

(BHARAT BHUSHAN)
MEMBER (J)

(SARWESHVAR JHA)
MEMBER (A)

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पतिविवरण करने पार:-

(1) रवि कुमार शर्मा, जलपुर, जबलपुर

(2) लक्ष्मी देवी, जलपुर, जबलपुर

(3) प्रमोद कुमार, जलपुर, जबलपुर

(4) सुवर्णा एवं आशुतोष कार्यवाही हेतु

RK Gupta, Achr.
SA Dharmendra Mishra, Achr.

17.11.03

Filed
17/11/03