

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO.3353/2014

NEW DELHI THIS THE 20TH DAY OF SEPTEMBER, 2016

**HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J)**

Bharat, aged about 32 yrs,
S/o Tek Chand,
R/o House No.75, Type-II,
Sector-5, R.K. Puram,
New Delhi-22.

...Applicant

(By Advocate: Ms. Kritika Sharma for Mr. Naresh Kaushik)

VERSUS

1. Delhi Subordinate Services Selection Board
Through its Chairman,
F-18, Karkardooma Institutional Area,
New Delhi.
2. South Delhi Municipal Corporation
Dr. S.P.M. Civil Centre, Minto Road,
New Delhi.
3. Govt. of NCT of Delhi
Through its Chief Secretary,
Delhi Secretariat,
I.P. Estate, New Delhi.

...Respondents

(By Advocate: Ms. Rashmi Chopra & Ms. Anupama Bansal)

ORDER (Oral)

HON'BLE SHRI P.K. BASU, MEMBER (A):

Heard.

2. Learned proxy counsel for the applicant relies on the judgment dated 11.08.2016 in OA No.3826/2013 – **Ms. Rajni Meena and Others Versus Delhi Subordinate Services and**

Others, in which the Tribunal relying on the fact that they were similarly placed as petitioners in the case of **Ms. Babita Kumar & Ors.**, in which the Hon'ble High Court vide order dated 14.03.2013 allowed the Writ Petition(C) No.7997/2012 taking note of the decision of the Full Bench of High Court of Delhi in the case of **Deepak Kumar & Ors. Versus District and Session Judge & Ors.**, dated 12.09.2012 in Writ Petition(C) No.5390/2010. The applicants, who belonged to SC category of another state where directed to be counted as SC category in Union Territories (Delhi). The learned counsel for the applicants states that these judgments are in favour of the applicants in the present OA.

3. Per contra, learned counsel for the respondents relied on the judgment dated 06.09.2016 in OA No.2015/2012 and stated that in this latest order, this Tribunal has taken note of not only judgment of the Hon'ble High Court of Delhi in the case of **Deepak Kumar** (supra) but also in **Ravindra Devi Versus Govt. of NCT of Delhi & Ors.**, 2014(6)SLR 562 (Delhi) in which **Deepak Kumar's case** (supra) has been discussed and interpreted and the ratio laid down that the migrants of SCs/STs can be given benefit of reservation in Union Territory of Delhi provided the candidate was ordinarily a resident of Union Territory and that OA was disposed of with a direction to the respondents to consider the case of the applicant in the light of aforesaid judgments in the case of **Deepak Kumar's case**

(supra) and **Ravindra Devi's case** (supra) and in case the applicant is found to be covered by the same, then he be extended the benefit of reservation of SC candidate and his candidature be processed further and if he is found fit, he shall be offered appointment along with consequential benefits of seniority and pay fixation.

4. In view of the above, we dispose of the OA as well with a similar direction to the respondents as given in OA No.2015/2012 as cited above. This benefit shall be extended to the applicant within a period of 90 days from the date of receipt of a certified copy of this order. No costs.

(DR BRAHM AVTAR AGRAWAL)
MEMBER (J)

(P.K. BASU)
MEMBER (A)

/JK/