

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.348 OF 2018

Date of Decision:- 22nd June, 2018

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SMT. P. GOPINATH, MEMBER (A)

Sudhakar Shivalal Jadhav, Age : 32 years,
 Occu : Labour, R/o Banjara Colony,
 Near Santoshi Mata Temple Galli, Khokadpura,
 Aurangabad, Maharashtra Pin 431 001.
(By Advocate Shri Karan S. Thorat)

- Applicant

Versus

1. The Union of India,
 Office of the Superintending Archaeologist,
 Archaeological Survey of India, Vadodara Circle,
 Vadodara 390 006, Gujarat.
2. The Section Engineer (Adm-1),
 Archaeological Survey of India,
 Administration – 1, Section Janpath,
 New Delhi – 11. *- Respondents.*

O R D E R (ORAL)

Per: Shri A.J. Rohee, Member (J)

Today when the matter is called out for Admission, heard Shri Karan S. Thorat, learned Advocate for the applicant. We have carefully perused the case record.

2. In this OA, the applicant has grievance regarding the impugned order dated 26.02.2015, by which he was placed on the wait list of unreserved category for the post of Meson for which he applied

in pursuance of the Advertisement of May, 2013 Annexure A-8 published by Respondent No.1. According to applicant, he belongs to OBC and he should have been placed at wait list No.1 for the said category. However, he has been wrongly placed under UR Category

3. In this OA, the following reliefs are sought:-

“8(a) That this Hon'ble Tribunal may be pleased to call for the records and proceedings and after having perused the same be pleased to quash and set aside the impugned communication dt. 21/2/2015 issued by Respondent No.2, thereby rejecting the request of the Applicant for appointment against the post of Mason falling under OBC category.

(b) That this Hon'ble Tribunal be pleased to direct the Respondent Nos.1 and 2 to appoint the applicant on the post of Mason reserved under OBC category, which fell vacant due to resignation of an appointed candidate from the OBC category.

(c) That this Hon'ble Tribunal be pleased to direct the Respondent Nos.1 and 2 to appoint the Applicant belonging to the “Banjara” caste (Vimukta Jati) on the vacant post of Mason reserved under OBC category on the basis of the panel of waiting list of the selected candidates in which the Applicant is listed at Sr. No.3 after undergoing successful practical test and interview by the Applicant;

4. During the course of arguments, it was revealed that Advertisement has been issued by office of the Superintending Archaeologist, Archaeological Survey of India, Vadodara, (Gujrat). The applicant applied there. He was called for written test there followed by interview.

5. In such circumstances of the case, the CAT, Ahmedabad Bench *prima facie* has jurisdiction in the matter and not this Tribunal.

6. Alongwith OA, MA for condonation of delay is also filed.

7. At this stage, learned Advocate for the applicant seeks permission to withdraw the OA with liberty to approach the appropriate forum with further liberty to submit a representation to the respondents for redressal of his grievance.

8. In view of above, the OA stands dismissed as withdrawn with the liberty as above. MA for condonation of delay also stands closed.

9. Registry is directed to forward certified copy of this order to both the learned Advocates for parties.

(Mrs. P. Gopinath)
Member (A)

(A.J. Rohee)
Member (J)

ma.