

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No. 113/2013

Dated Friday, the 7th day of June, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

B.Parimelazhagan,

No. 14, Middle Street, Thirubhuvanai,

Chinnapet, Puducherry.

....Applicant

By Advocate M/s. V. Ajayakumar

Vs

1.Union of India rep by the

Govt. Of Puducherry,

through the Chief Secretary to the Govt,

Chief Secretariat, Puducherry.

2.The Inspector General of Police,

Police Department, Puducherry.

3.Senior Superintendent of Police (C&D),

Headquarters,

Police Department, Puducherry.

4. Superintendent of Police (Headquarters),
Police Department, Puducherry.

....Respondents

By Advocate Mr. R. Syed Mustafa

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"To direct the respondents to issue orders for joining training to the applicant to the post of Police Constable on the basis of offer of appointment issued to the applicant with No. 8850/Pol/Estt.I/(B)/A1/2012 dated 24.07.2012 with effect from the date on which the other selected candidates have joined service with all other consequential reliefs and to pass such other or further orders in the interest of justice and thus render justice."

2. It is submitted that an offer of appointment was made to the applicant for appointment to the post of Police Constable on 24.07.2012. This was in pursuance of a notification issued on 18.04.2010 calling for applications to fill 468 vacancies of Police Constable which number was subsequently raised to 640. In the select list published, the name of the applicant was included at Sl.No.39 in the SC category, though the applicant ought to have been placed in the General category by virtue of the marks secured by him. Even though the applicant was issued with the order of appointment and he had produced the requisite medical fitness certificate also, he had not been sent for training. Aggrieved by the action of the respondents, the applicant has filed this OA.

3. The respondents have filed a reply contending that the OA was not tenable either on law or on facts. It is submitted that no select list was

published by the respondents on 27.03.2012 as alleged by the applicant. It was a fact that the applicant was one of the selected candidates in the recruitment of Police Constables published on 23.07.2012 for 623 candidates and he was issued with an offer of appointment on 24.07.2012 for the post of Police Constable subject to qualifying the medical examination and verification of original documents. Although the applicant had obtained a medical fitness certificate from the Government Indira Gandhi Medical College and Research Institute, Kathirkamam, Puducherry, he did not turn up with the original documents for verification. The applicant was served with a memo dated 01.10.2012 directing him to appear for document verification and he did not respond.

4. It is further submitted that the applicant had secured 89 marks in the written examination which was not sufficient for him to be placed under the General category. The age limit for General candidates was 18 to 22 years at the time of applying and accordingly the candidates must have been born between 31.10.1988 and 31.10.1992 to be eligible under the General category. The applicant was born on 05.04.1987 and, therefore, he could only be considered in the SC category. However, he failed to produce a valid caste certificate in spite of being given an opportunity to produce the same during the ground test. While he did not produce the certificate during ground test also, he had assured that he would submit his original SC certificate at the time of regular verification

of original documents. He, however, failed to produce the said certificate at the time of regular verification also.

5. The respondents seek to rely on GO Ms.No.11/2005/Wel(SCW-II) dated 05.08.2005 which restricted the employment benefits to Group C and Group D posts to persons in the SC category in pursuance of the order of the Hon'ble Apex court in Pushpa and others reported in 2006 (3) SCC 1 whereby the Government of Puducherry was given liberty to take a policy decision on the issue. Even otherwise the settled law was that as per Constitution Bench judgment reported in 1990 (3) SCC 130 & 1994 (5) SCC 244, only SC origin in relation to a territory were entitled to employment and educational benefits and not migrant SCs, it is contended.

6. In reply to a pointed query from the Bench why the applicant did not produce the SC certificate at the time of document verification, counsel for the applicant seeks adjournment of the case.

7. We have considered the matter. It appears that the applicant had obtained Annexure A-7 caste certificate dated 20.05.2003 stating that the applicant belonged to No.2, Hindu Adi Dravidar caste which was recognized as SC under the relevant orders. However, it is also stated therein that the certificate was issued on the basis of the certificate issued by the State of Tamil Nadu as regards the SC status. As per Sl.No.2 of the recruitment notification dated 18.11.2010, natives of Union Territory

of Puducherry by virtue of domicile or with five years continuous residence in the Union Territory immediately preceding the date of notification were only eligible to apply for the post. While the caste certificate at Annexure A-7 states that the applicant belonged to SC, it does not state that the applicant was domiciled in the Union Territory of Puducherry. It appears that the applicant was a migrant from the State of Tamil Nadu.

8. It is not in dispute that the applicant failed to satisfy the respondents regarding his SC status/domicile/residence in the Union Territory of Puducherry by producing a valid certificate. If he had any grievance regarding non issue of certificate by the revenue authorities, he ought to have approached the competent Civil Court for the purpose. It is not possible for this Tribunal to adjudicate on whether the applicant is SC or not. Suffice it to say that the applicant having not produced a valid certificate before the competent authority has no claim on the post of Police Constable.

9. OA, being devoid of merits, is dismissed. No costs.

(P.MADHAVAN)
MEMBER(J)
M.T.

07.06.2019

(R.RAMANUJAM)
MEMBER (A)