

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH NAGPUR**

**REVIEW APPLICATION NO.11/2015 IN**

**ORIGINAL APPLICATION NO. 570/2005.**

Ramchandra Ashalu Polampalli,  
Occ\_ Talathi, Saza No.4,  
Rangayyapalli, Tq. Sironcha,  
Distt. Gadchiroli.  
R/o Narsayyapalli, Tq. Sironcha,  
Distt. Gadchiroli.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Department of Revenue,  
Mantralaya, Mumbai-440 032.
- 2) The Collector,  
Gadchiroli.
- 3) The Sub-Divisional Officer,  
Aheri, Distt. Gadchiroli.

**Respondents**

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Shri G.G. Bade, Advocate for the applicant.  
Shri P.N. Warjekar, P.O. for respondents 1 to 3.

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**Coram:- B. Majumdar, Vice Chairman and**  
**S.S. Hingne, Member (J).**

**Dated:- 7<sup>th</sup> July 2016.**

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**ORDER**

**PER : VICE-CHAIRMAN**

**Review Application No. 11/2015.**

Heard Shri G.G. Bade, learned counsel for the  
applicant and Shri P.N. Warjekar, learned P.O. for the respondents.

*mm.*

2. The Review Application is filed praying for review of this Tribunal's order dated 23.9.2014 disposing of O.A. No. 570/2005. The C.A. is for amending the review application by relying upon the G.R. dated 30.1.2014. The Review Application as well as Civil Application is disposed of through this common order.

3. The services of the applicant as Talathi were terminated vide order dated 30.11.2005 for the reason that he could not produce validity certificate of belonging to NT, the category from which he was appointed in 1993. He had applied for the post as belonging to Beldar Tribe which is an NT and he had produced a validity certificate of Kapewar (SBC). The Tribunal on 23.9.2014 had rejected the O.A. by holding that the applicant could not demonstrate that <sup>there</sup> ~~he~~ was any nexus between Beldar and Kapewar tribes or that there was any historical confusion between these two tribes. The Tribunal had considered the G.R. dated 25.6.2008 relied upon by the applicant, which stated that the Beldar ~~and~~ Kapewar and Beldar Munnar Kapewar are newly added as part of Beldar (NT) and not Kapewar. The Tribunal had considered the various judgments of Hon'ble the High court and the Supreme Court, i.e. State of Maharashtra V/s Milind, Kavita Solunkhe V/s State of Maharashtra, Shalini V/s New English High School Association

**and others and Rakesh Dafade V/s State of Maharashtra** in which it was unanimously ruled that if there was a confusion prevailing over a long period with regard to the correct classification of a particular caste, and there was no fraud or misrepresentation involved on the part of the employee in obtaining a caste certificate his services could not be terminated merely on the ground that he had failed to prove the validity of his caste. Hence, the O.A. was rejected on the ground as stated above.

4. The applicant has now sought review of the above order on the following grounds:

(a) He was not appointed against any reserved category as he had obtained the caste certificate of Beldar (NT) in 2003, i.e., after 10 years of his appointment.

(b) As he has been in service for more than 20 years and he did not obtain his caste certificate through any irregular means, in the light of **Kavita Solunkhe and Arun Sonwane V/s State of Maharashtra [2015 (1) Mh.L.J. 457]**, the Tribunal should have allowed the O.A. and

(c) Vide G.R. dated 30.1.2014 which the applicant has referred to as per the C.A. for amendment, Kapewar is a sub caste of Beldar [NT(B)], and on this basis his daughter has been given caste validity certificate of Kapewar (NT).

5. The Collector, Gadchiroli (R.2) and the Sub-Divisional Officer, Aheri (R.3) in the reply to the review application submitted that the applicant could not produce validity certificate of Beldar and hence the O.A. was rightly rejected.

6. We find that as stated earlier, the Tribunal had rejected the O.A. of the applicant, on the basis of the G.R. dated 25.6.2008 as the applicant could not demonstrate that there was any <sup>between</sup> ~~that there was~~ nexus between Beldar (NT) to which he belongs as per his caste certificate and Kapewar (SBC) for which he had obtained caste validity certificate.

7. We have perused the G.R. dated 30.1.2014. It states that as per the recommendations of the State Backward Class Commission, the Government has decided, among other things, to treat Kapewar as a sub tribe of Beldar (NT). In this regard, it also refers to various G.Rs issued during 1967 to 2013. It is thus clear from this G.R. that it was issued in culmination of a long standing dispute / confusion in regard to nexus between various tribes and sub tribes, including Beldar and Kapewar. As the order dated 23.9.2014 was based on the premise that the applicant could not demonstrate that there was any nexus between Beldar (NT) and Kapewar (SBC), we are of the view that in the light of the G.R. dated 30.1.2014 which was

brought to our notice for the first time in the Review Application, there was an error apparent in our order and this needed to be rectified. Hence, having reviewed our above order, we direct that the O.A. now stands disposed of in terms of the following order :

- (a) The impugned order of termination dated 30.11.2005 is quashed and set aside.
- (b) The respondents are directed to reinstate the applicant with continuity in service. The applicant will however not be entitled to any wages for the period that he was out of service.
- (c) On being reinstated the applicant will be deemed to belong to SBC and not NT for all purposes.
- (d) The respondents will issue relevant order in this regard within **eight weeks** on receipt of this order.
- (e) No order as to costs.

sd/-

(S.S. Hingne)  
Member (J)

sd/-

(B.Majumdar)  
Vice-Chairman