

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (W) No. 232 of 2015 in W.p.No. 6832 of 2013

Shrawan s/o Ganpati Kumbhare and others vs. Union of India and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. R.S.Parsodkar, Adv. for the petitioners.

CORAM: B.R.GAVAI & S.B.SHUKRE,JJ

DATE : 13.3.2015

The petitioners have approached this Court for clarification of the order passed by this Court dated 8.8.2014. It is the specific contention of the petitioners that the case of the petitioners and the case of other employee Mr. R.B.Sonkusare and other employees are identical. It is submitted that though the said employees have been granted protection of the Office Memorandum dated 10.8.2010, the petitioners have been denied the benefits of the same.

In the affidavit in reply, it is stated that in so far as the said Mr. R.B.Sonkusare and others are concerned, they have produced caste certificate that they belong to "Koshti".

Undisputedly, in the present case though all the petitioners claimed to be belonging to “Halba Scheduled Tribe” they have been held to be “Halba Koshti”. The Apex Court in the case having similar facts vide Judgment dated 28th November, 2000 has held that since the issue regarding as to whether the ‘Halba Koshti’ are entitled to be treated as Scheduled Tribe was pending for long time, had protected all such appointments that had become final on or before 28.11.2000. Not only that, the Union of India itself vide Office Order dated 10th August, 2010 had clarified that the appointments of such candidates which were final prior to 28.11.2000 shall not be affected. It has been held that, however, they shall not get any benefits of reservation after 28.11.2000.

We find that in the present case the petitioners are also entitled to the benefits of the Office Order dated 10.8.2010. Accordingly, the application is allowed. The respondents are directed to give benefits to the petitioners as per the Office Order dated 10.8.2010.

JUDGE

JUDGE

patle

