



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

WRIT PETITION NO. 2851 OF 2018

: Senior Superintendent of Post Offices, Nagpur City Divn, Nagpur and ors Vs. Chetan s/o Gajanan Kumbhare and ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.A. Chaudhari, Advocate for petitioners.
Mr. N.S. Phadnis, advocate for respondents.

CORAM : ANIL S. KILOR & RAJNISH R. VYAS, JJ.

DATED : 08-12-2025.

Heard.

2. The respondents herein approached to the Central Administrative Tribunal (CAT) by filing Original Application wherein prayers were as under:

“8(a) Quash and set aside impugned communicated dated 4.2.2014 (Annx. A1) and in the same order direct respondents to declare the result of confirmation examination of the applicants and thereby release their annual increments as due along with arrears with 12% interest thereon.

(b) Declare that the action of respondents of withholding annual increments of applicants on the ground that verification of their caste validity is pending is wholly illegal and unsustainable in law.

(c) Grant any other relief deemed fit and proper in the facts and circumstances of the case including costs”.

3. The learned Tribunal, after considering the rival contentions recorded the reasons and allowed the Original Application filed by the respondents. The learned Tribunal, while allowing the application, has held that the reason for not declaring the result of confirmation examination and not releasing annual increment was due to pendency

of caste claim of the respondents before the Caste Scrutiny Committee. The Tribunal has categorically held that there is no provision, in case of pendency of caste claim for validation, the result of examination can be withheld and not to release annual increments. The learned Tribunal has recorded its finding in paragraph 26, which reads thus:

“26. From the above discussion, it is obvious that the respondents are certainly not justified in withholding the result of the confirmation examination and consequently, the annual increments due to the applicants in the event they qualify the said examination. In case, their caste claim is invalidated, in that event the consequences will be termination of their service. There is nothing on record to infer that the respondents are competent or authorized to withhold the result and consequently the annual increments due to applicants in absence of Caste Validation Certificate. The matter can be expedited at the level of the respondents and of course by the applicants by approaching the concerned Caste Scrutiny Committee for getting the Caste Validation Certificate at the earliest. The reference in this behalf is already made to Caste Scrutiny Committee and it appears that orders in respect of applicant No. 2 and 3 was based on the orders passed in Writ Petition No. 1585/2016 dated 18.1.2017 and in Writ Petition No. 1246/2016 dated 18.1.2017. Normally proceeding before Caste Scrutiny Committee regarding Caste Validation takes long time for its conclusion since it involves thorough investigation regarding caste of applicants, as followed by decision/order by the said Committee. As stated earlier, it appears that so far as applicant Nos. 1 and 2, are concerned the Caste Scrutiny Committee has invalidated their caste claim. Consequently the consequences regarding their termination from service will follow which will give rise to separate cause of action. However, it cannot be said that the respondents are justified in withholding the result and consequently the annual increments due to the applicants till their caste claim is finalized by the Committee, constituted under the provisions of Maharashtra Scheduled Castes, Scheduled Tribes, De notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward

*Category (Regulation of Issuance and Verification of)
Caste Certificates, Act, 2001 ”.*

4. On a specific query whether there is any provision to withhold the result of the examination or the increment in case of pendency of caste claim, learned counsel for petitioners fairly state that there is no such provision.

In that view of the matter, since there is no perversity committed by learned Tribunal, we do not find any merit in the present petition. Accordingly, petition is dismissed.

(RAJNISH R. VYAS, J)

(ANIL S. KILOR, J)