

O R D E R

Subject:- Compliance of order/direction of the Hon'ble Central Administrative Tribunal dated 28.01.2013 as passed in OA 1095/2011, titled as Shri Satender Kumar Paswan V/S DSSSB & Anr..

This is in pursuance of direction of Hon'ble CAT order dated 28.01.2013 in OA 1095/2011 titled as Shri Shri Satender Kumar Paswan V/S DSSSB & Anr. The Hon'ble CAT vide its order dated 28.01.2013 has directed as under:-

8" *In view of the above position, we dispose of this OA also with the direction to respondent No. 1- DSSSB to re-examine the case of the applicants herein, as in the case of Deepika (supra) and if their cases are covered by the judgment of the High Court of Delhi in Deepak Kumar's case (supra), they shall also be recommended for appointment to the post of Driver in DTC under the post code No. 065/2009, subject to fulfillment of all other requirements as per recruitment rules. They shall also be issued with necessary orders within a period of one month from the date of receipt of a copy of this order. In that case, they will also be entitled for all consequential benefits which are being enjoyed by their mates, except back wages. In case they are not found eligible for the aforesaid post for any other reasons, they shall be informed about it by issuing a reasoned and speaking order within the aforesaid period. There shall be no order as to costs*

In compliance of above order, the case of applicant i.e. Shri Kali Charan, Roll No. 06529413 has been re-examined and it is found that:-

The applicant Shri Kali Charan had applied for the post of Driver (DTC) under post code 065/09. The DSSSB had conducted the examination for this post on 14/3/2010 and 21/3/2010 respectively. The applicant appeared in the written examination against the Roll No. 06529413 as SC Candidate. The result of the written examination was declared on 06/12/2010, 14.06.2011 and 17.02.2012. On the basis of 51 marks secured by the applicant, he was short-listed under SC category for appearing in Driving Skill Test. The last short listed candidate in UR Category had obtained 58 marks. Applicant appeared in Driving Skill Test and as per the report of the evaluation board of the skill test, he was declared pass.

The dossiers of the candidates who had qualified the driving skill test were scrutinized to determine their eligibility as regards to their educational qualification and validity of caste certificate for seeking reservation. During the scrutiny of his dossier at the time of finalization of result it has come to the notice that the candidate has possessed the SC certificate which was issued to him on the basis of his father's caste certificate issued by the Tehsildar Anupsaher (UP), Vide No. 1662 dated 13.10.1999. Since his father belongs to SC of Uttar Pradesh State and the caste certificate issued to the applicant is based on his father status, thus, the candidate was not found eligible for the benefit of reservation available to the SC of Delhi Origin in Govt. of Delhi. As per the policy of the Govt. of Delhi and as per applicable law at that time the benefit of SC

were considered under UR category only.

3. In the light of the judgment of the Hon'ble Supreme Court of India dated 04.08.2009 as passed in Civil Appeal No. 5092 of 2009 arising out of petition(s) for Special Leave to Appeal (Civil) No.. (s) 24327/05- Subash Chandra & Anr. V/s DSSSB & Ors., as he belongs to SC other state (UR) not found eligible for selection under the SC category. The reservation policy was confirmed by Delhi High Court also in the case titled as DSSSB & Anr. Vs. Mukesh Kumar & Others in WP(C) No. 610/2011 & connected cases.

4. Later, the Hon'ble High Court of Delhi has reconsidered its own decision in the matter titled Deepal Kumar & Ors Vs. District & Session Judge Delhi & Ors. WPC No. 5390/2010 and connected petitions decided on 12.09.2012. However, the result for the post of Driver (DTC) under post code 065/09 was declared before 12.09.2012, therefore, the law as applicable on that date has to be followed. Accordingly, the result in the case does not require any change.

In view of the above facts, the applicant Shri Kali Charan cannot be considered for selection to the post of Driver (DTC) under post code 065/09 under SC category the result of which was declared before the decision of the Hon'ble High Court of Delhi in the case referred above.

This issues with prior approval of the competent authority

(Prashant Raghav)
Deputy Secretary CC-II

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No. F.1 (225) /CC-II/DSSSB/2013/ 4463
Copy for information and further necessary action to:-

Dated 15/5/2013

1. P.S. to the Chairman, DSSSB.
2. P.A to the Secretary, DSSSB.
3. P.S. to COE, DSSSB.
4. Deputy Secretary (Legal), DSSSB.
5. Programmer, IT Branch, with the request to upload the same on the website of the DSSSB.
6. Notice Board of DSSSB.
7. Office Order file.

(Prashant Raghav)
Deputy Secretary CC-II