

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).1 3 8 4 7 / 2 0 0 3

(From the judgment and order dated 12 / 0 7 / 2 0 0 2 in W P No. 37 0 1 / 2 0 0 2 of The
HIGH COUR T OF BOM B A Y)

K A L Y A N D O M B I V L I M U N I C I P A L C O R P O R A T I O N Petitioner(s)

V E R S U S

A N I L V A S A N T R A O S H I R P U R K A R & O R S. Respondent(s)

(With prayer for interim relief and office report)
(For final disposal)

Date: 2 1/ 0 7 / 2 0 0 6 This Petition was called on for hearing today.

CORAM :

HON' B L E M R. J U S T I C E K . G . B A L A K R I S H N A N
HON' B L E M R. J U S T I C E D . K . J A I N

For Petitioner(s) Mr. Atul Y. Chitale, Adv.
Mrs. Suchitra Atul Chitale, Adv.
Ms. Sujeeta Srivastava, Adv.
Mr. Madhup Singhal, Adv.

For Respondent(s) Mr. V.A. Mohata, Sr. Adv.
Mr. Nilakanta Nayak, Adv.
Mr. D.M. Nargolkar, Adv.

Mr. Mukesh K. Giri ,Adv

UPON hearing counsel the Court made the following
O R D E R

We have heard learned counsel for the petitioner and counsel
for the respondents.

The special leave petition is disposed of accordingly.
(R.K. D H A W A N) (V E R A V E R M A)
COUR T M A S T E R COUR T M A S T E R

(Signed order is placed on the file)

I N T H E S U P R E M E C O U R T O F I N D I A

C I V I L A P P E L L A T E J U R I S D I C T I O N

S P E C I A L L E A V E P E T I T I O N (C) N O . 1 3 8 4 7 O F 2 0 0 3

K A L Y A N D O M B I V L I M U N I C I P A L C O R P O R A T I O N Petitioner.

V E R S U S

A N I L V A S A N T R A O S H I R P U R K A R & O R S. Respondents.

ORDER

The respondent herein is the employee of the appellant Corporation. He got the employment on the basis of a certificate produced by him and according to that he was a Member of the Scheduled Tribes. When the question of caste status arose, the matter was decided by the Scrutiny Committee and it was held that the respondent herein was a Member of the Dhoba community and therefore, was not a member of Scheduled Tribes. Pursuant to the determination of the caste title, the respondent was removed from service. He challenged the finding of the Scrutiny Committee and also his removal from service. The High Court held that he had joined the service of the Corporation in 1994 and was confirmed in 1996 and steps from removal from service were initiated in July, 2002 and there was inordinate delay in initiating proceedings against him. On that premises the removal of the respondent from service was set aside and the respondent was directed to be reinstated. The High Court has specifically stated in the impugned order that the decision may not be understood to have upheld the

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validity of the status of the petitioner and the respondent herein as Scheduled Tribes. In fact, the dispute regarding the caste status of the respondent was not decided by the High Court.

We have heard learned counsel for the petitioner and counsel for the respondents.

The High Court was not justified in holding that the delay by itself is sufficient for the respondent to get reinstated in the service when there was serious dispute regarding the caste status. The respondent got his employment by informing the authority that he belonged to Scheduled Tribes Community. The caste status was decided later and the employer could only take a decision as the High Court proceeded on the question of deciding the matter only on the question of delay. The real dispute was not decided.

In the result, we set aside the impugned judgment of the High Court and request the High Court to decide the question of caste status afresh which has been raised before the High Court. The High

Court may dispose of the matter at an early date.

The special leave petition is disposed of accordingly.

.....J
(D.K. JAIN)

.....J
(K.G. BALAKRISHNAN)

NEW DELHI;
JULY 21, 2005.