

Union of India

Vs

H. Ramakrishna

SLPS (C) No. 8684 of 1987

17.10.1997

(S. C. Sen, K. T. Thomas JJ)

(Record Of Proceedings)

ORDER

1. Our attention has been drawn to an order of this Court passed on 6-9-1989 in WP No. 11894 of 1985 [M. Narayanappa v. Govt. of Karnataka, (1998) 10 SCC 161] where the question arose whether the members of "Maaleru" community could be treated as belonging to a Scheduled Tribe. The attention of the Court was drawn to a circular dated 23-1-1986 issued by the Karnataka Government in which the Government had ordered to make available to persons belonging to Maaleru and Kuruba communities the benefits available to Scheduled Tribes relating to reservation in admission to educational institution and educational concessions. The Government had also ordered that no penal or disciplinary action should be taken and prosecution, if any, launched should be kept in abeyance and should not be pursued against the persons belonging to Maaleru community for having obtained caste certificates as belonging to Maleru community. Suspension orders, if any, issued shall also be revoked and persons retrenched should be reinstated.

2. The contention on behalf of the respondent is that the same rule must apply to Central Government servants. Our attention was drawn to a decision of this Court in the case of M. Narayanappa v. Govt. of Karnataka [M. Narayanappa v. Govt. of Karnataka, (1998) 10 SCC 161]. This Court in that case had expressed the view that since the Government had obviously decided to examine and appropriate recommendations would have to be made to the Central Government there was no justification for allowing continuation of criminal proceedings or departmental action where proceedings had been commenced against members of Maleru (sic Maaleru) community for providing false caste certificates.

3. In view of the order passed by this Court, this petition must fail. On behalf of the petitioner a prayer has been made for eight weeks' adjournment to find out whether any investigation or decision has been taken pursuant to the order of this Court by the Government of Karnataka.

4. The petitions are adjourned for eight weeks.

Court Masters