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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 3171/2002

This the 26th day of May, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Bhupinder Singh Sondhi
X/1864, Galli No.12,
Rajgarh Extn.11,
Delhi-110001.

(By Advocate: Sh. V.K.Monga)

Versus

1. Union of India
through the Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi-110001.
2. Director General,
Doordarshan,
Mandi House,
New Delhi-110001.
3. The Chief Executive Officer,
Prasar Bharti,
P.I.I. Building,
P.I.I.,
Parliament Street,
New Delhi-110001.
4. Director,
Doordarshan,
Sansad Marg,
New Delhi-110001.

(By Advocate: A.K.Bhardwaj)

O R D E R

Applicant has filed this OA seeking regularisation as a casual artist and has also prayed for quashing of impugned order dated 12.9.2002 which was communicated to the applicant vide Memo dated 4.10.2002.

2. The facts in brief as alleged by the applicant are that he has been engaged as casual Floor Artist in Delhi Doordarshan since 5.10.83 and since then he had been working as casual artist. It is further stated that respondents had formulated a scheme for regularisation of casual artist and as required

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the applicant has submitted his qualification certificate and experience certificate but his case has been rejected vide letter dated 4.10.2002. Counsel for applicant submitted that as per the scheme the casual artist who are to be regularised should possess the requisite educational qualification and/or experience as stipulated in the recruitment rules/other administrative instructions existing for the post when the casual worker was initially engaged. Counsel for applicant emphasised that use of word and/or does not make it essential that applicant should have an experience

3. Besides that he also submitted an experience certificate as per Annexure R-3 and R-3A filed by respondents themselves and the respondents had taken a plea that this certificate is not authentic one. On this ground his candidature has been rejected as the certificate has not been believed. Counsel for applicant also submitted that the certificate had been issued by a society and they had not cared to put a proper date. So on this ground alone it should not have been rejected. He also says that there is also overwriting in the word "CONCERN". So the person who had issued the certificate probably is not qualified and he is in the habit of overwriting. So this overwriting should be ignored and this certificate should be believed and applicant should have been regularised.

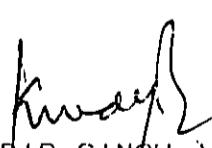
4. On the contrary counsel for respondents submitted that the case of the applicant has been rejected since the certificate of experience furnished by him is not a duly authenticated one and there is an overwriting particularly in the date which shows that at the date of initial recruitment applicant did

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not possess requisite period of 3 years. Respondents also pointed out that as per the scheme 3 years experience is required at the time of initial recruitment as per recruitment rules. Since the applicant does not possess the experience, so his case has been rightly rejected.

5. I have given my thoughtful consideration to the matter and on my asking applicant had also shown to me the original of the experience certificate. The perusal of the original certificate itself shows that the date of the issue of the certificate particular the year seems to be manipulated which could not escape the scanning eyes of the respondents while scanning even the photocopy of the certificate furnished by the applicant

6. The contention raised by the counsel for applicant that this requisition of experience is an alternate one that cannot be accepted because the recruitment rules itself require that candidate should have an experience at the time of initial recruitment. So I find that the applicant in this case did not have the experience as on the date of initial recruitment and he had furnished a certificate with a mutilation which has been rightly rejected by the respondents. No interference is called for. OA is, accordingly, dismissed.



(KULDIP SINGH)
Member (J)

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