

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00644/2014

Jabalpur, this Thursday, the 16th day of January, 2020

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Vinod Kumar Mehra, aged 32 years, S/o Shri Dinesh Kumar Mehra, Qtr. No.1215 Type-A Ordnance Factory, Itarsi, Distt. Hoshangabad - 461122 **-Applicant**

(By Advocate – Shri Vijay Kumar Maurya, proxy counsel of Shri Monesh Sahu)

V e r s u s

1. Union of India through its Secretary, Government of India, Ministry of Defence, Department of Defence Production & Supplies, South Block, New Delhi – 110001.

2. The Chairman-cum-Director General Ordnance Factory Board, 10-A, Shaheed K. Bose Road, Kolkata WB Pin 700001.

3. The General Manager, Ordnance Factory, Itarsi – 461122.

4. Manesh Verma, S/o Late Raghunath Prasad Verma, Fire Engine Driver, Ordnance Factory Itarsi - 461122 **-Respondents**

(By Advocate – Smt. Kanak Gaharwar for official respondents)

ORDER (O R A L)

By Navin Tandon, AM.

The applicant is aggrieved that the respondent No.4 has obtained employment on the basis of forged marksheets and even after bringing the fact before the competent authority, they have not taken any action.

2. The applicant has submitted that the official respondents had initiated recruitment process inviting applications for appointment to the post of Fire Engine Driver (hereinafter '**FED**') vide advertisement dated 30.01.2010. The candidates were called from 10th to 15th May 2011 for which the applicant had also appeared and cleared all the tests. In the month of December 2011, respondent No. 4 was given the appointment.

2.1 The documents received under RTI have been filed as Annexure A-2 and A-3, wherein the applicant has questioned the certificate of diploma in Civil Engineering from SATI Polytechnic College, Vidhisha as well as the experience certificate issued by Shri Shakti Road Lines, Itarsi from 20.05.2001 to 25.11.2003. The applicant had also approached the CVC, who vide its letter dated 17.09.2012 (Annexure-A/4(A)) informed the applicant that the matter has been forwarded to the Chief Vigilance Officer, Ordnance Factory Board.

2.2 The respondents also informed the applicant vide letter dated 12.11.2012 (Annexure A-5) that respondent No.4 has been granted employment after scrutinizing all the marksheets,

certificates submitted by him. Therefore, the compliant submitted by the applicant was found baseless.

3. The applicant has sought for the following reliefs:

“8-(i) direct the non-applicants to produce the records pertaining to present matter for perusal of this Hon’ble Tribunal;

8-(ii) quash the appointment given to non-applicant no.4 and direct the non-applicant no.3 to give appointment to applicant.

8-(iii) direct the competent authorities to take necessary departmental action against the concerned officials who did not take any action in the matter and also against non-applicant no.4 for submitting forged mark sheets/certificates.

8-(iv) Any other relief which this Hon’ble Court may deemed fit and proper may kindly be granted together with the cost of present Original Application.”

4. The official respondents have filed their counter reply in which it has been stated that as per the Employment News 30th January to 05th February 2010 (Annexure R-1), the essential qualification was; (a) matriculation, (b) must possess driving license for driving heavy vehicles and have two years driving experience.

4.1 The respondents received 246 applications, out of which 58 were called for tests held from 10.05.2011 to 12.05.2011. Respondent No.4 was one of the selected candidate.

4.2 During the detailed scrutiny of his documents, it was noticed that duration of his driving experience, i.e. from 20.05.2001 to 25.11.2003 clashed with the period of his academic qualification of 12th (Annexure R-2) and duration of Diploma in Civil Engineering from 26.09.2002 (Annexure A-3). Therefore, respondent No.4 was directed to explain regarding the discrepancy vide letter dated 24.09.2011 (Annexure R-3).

4.3 Respondent No.4 submitted reply to the official respondents that his school time for 12th was from 11:30 to 16:30 hours during 2001-2002. Similarly, his college timing for diploma in engineering was from 10:30 to 16:30 which he attended by traveling to and fro between Itarsi and Vidisha by train. He has further stated that he got experience of driving beyond school/college hours.

4.4 Separately, the official respondents also approached the Shree Shakti Road Lines, Itarsi vide letter dated 15.10.2011 (Annexure R-5), which had given the experience certificate. The reply from Shree Shakti Road Lines was received on 24.10.2011 (Annexure R-6), wherein it has been stated that respondent No.4 was working in nightshift from 21:30 to 05:30 hours in their organisation. Relying purely on the explanation

submitted by the individual vide his letter dated 29.09.2011 and the clarification issued by Shree Shakti Road Lines vide their letter dated 24.10.2011, the respondent No.4 was offered appointment vide letter dated 01.12.2011.

5. The respondent No.4 has also filed his reply, wherein he has submitted as under:

“6. In reply to letter dated 24.09.2011, the answering respondent submitted his clarification vide letter dated 29.09.2011 stating that he has passed 12th Class as a regular student from Swami Vivekanand Higher Secondary School, Chandon in academic year (2001-2002) and his school timing was from 11.30 A.M. to 16:00 P.M. and he obtain diploma in Civil Engineering from SATI, Pali, Vidisha and his college timing was 10.30 AM to 16.30 P.M. He entered on 26.09.2002 for obtaining his Diploma which he had to complete by him in May-June 2005 but he completed in the year May-June 2009. He also clarified that he got experience of Heavy Vehicle Driving from Shree Shakti Road Lines, Itarsi, Hoshangabad (M.P.) during the period from 20.05.2001 to 25.11.2003. (Copy of clarification is annexed herewith as Annexure R4/2).

7. It is pertinent to mention here that after giving clarification from the answering respondent the Department has verified about his experience certificate from Shree Shakti Road Lines, Itarsi vide letter dated

15.10.2011. In reply, Shree Shakti Road Lines, Itarsi stated that Respondent No. 4 (Shri Manesh Verma) was working in night shift from 21.30 P.M to 5.30 A.M in their institute. (Copy of letter dated 27.09.2011 is annexed herewith as Annexure R4/3).”

6. The applicant had submitted his rejoinder, wherein he has reiterated the accusation against respondent No.4 and also submitted that no action has been taken by the Vigilance Authority or any Competent Authority of the respondent department.

7. The official respondents have also submitted additional reply, wherein the following has been stated:

“6. That, the averments of this paragraph being contrary to record is denied. However, it is reiterated that Vigilance authority vide its letter dt. 04/12/2017 (copy enclosed) had intimated OFI that ‘on the basis of investigation report submitted by the then Director/Vigilance (Central), supported by documentary evidences, no irregularity towards selection of Shri Manesh Verma to the post of Fire Engine Driver (FED), Grade A in OFI could be established. Accordingly, the case was closed with the approval of competent authority. Before issuing offer of appointment to Shri Manesh Verma, OFI had also taken all necessary clarification from him and after verification of necessary certificates,

appointment letter was issued. Therefore, the allegation of application that OFI has accommodated non applicant no. 4 is not sustainable. A copy of the letter dated 04/12/2019 is annexed herewith as **ANNEXURE R-J/8.**”

8. Heard the arguments of learned counsel for the applicant and the official respondents and perused the pleadings available on record.

9. The main arguments of learned counsel for the applicant was that the experience certificate submitted by the respondent No.4 and the time periods when he was pursuing his studies at Vidisha are overlapping and, therefore, this certificate could not have been valid.

10. Learned counsel for the respondents submitted that the Original Application is bereft of merit as the applicant himself does not have any locus standi. The entire facts of the case and the grounds clearly indicate that no relief has been sought by the applicant and he is only apprehending that in case the offer of appointment of respondent is cancelled, he will get the job. She further submitted that the employment of respondent No.4 has been investigated by the administrative department as well as the Vigilance Department of the respondent department and

nothing irregularity has been found and, therefore, the Original Application deserves to be dismissed.

11. We find that the entire Original Application is directed towards challenging the appointment of respondent No.4 through forged marksheet, which has been investigated by the Vigilance Department. The extracts of letter dated 04.12.2017 (Annexure R-J/8) of the Vigilance Department reads as under:

“1) In this regard it has been intimated by OFB/Vigilance that based on complaint dated 29-03-2012 of Shri Vinod Kumar Mehra, Vigilance inquiry was carried out by the then Director/Vigilance (Central), regarding appointment of Shri Mahesh Verma as FED at OFI in 2012.

It is further intimated by OFB/Vig. That “on the basis of Investigation Report submitted by the then Director/Vigilance (Central), supported by documentary evidences, no irregularity towards selection of Shri Mahesh Verma to the post of Fire Engine Driver (FED), Grade A in OFI could be established. Accordingly the case was closed with the approval of competent authority.”

11.1 From the above, it is very clear that the complaint of the applicant has been investigated by the Vigilance Department and found no irregularity in appointment of respondent No.4.

12. Accordingly, we do not find any merit in this Original Application. The Original Application is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-