

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 833/2001

New Delhi this the 16th day of January, 2003.

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN

HON'BLE SHRI V.SRIKANTAN, MEMBER (A)

Shri Veer Sain
S/o Shri Karan Singh
R/o 131, Sarai Sohal
Mangala Puri, Palam
New Delhi-110045.

..... Applicant

(By Shri V.K.Mishra, Advocate)

-versus-

1. Union of India
through Secretary
Ministry of Defence
South Block
New Delhi.
2. The Director General of Ordinance Services
Master General of Ordinance Branch (OS-SC)
Army Headquarters
New Delhi.
3. Zonal Employment Exchange
through its officer concerned
Najafgarh,
New Delhi.

... Respondents

(Shri Inderjeet Singh, proxy for
Shri Rajinder Nischal, Advocate for Respondents
1 & 2 & Mrs. Sumedha Sharma, Advocate for
Respondent No.3.)

O R D E R

Justice V.S. Aggarwal:-

Applicant Veer Sain, by virtue of the present application, seeks a direction to appoint him to the post of a Mazdoor.

2. Some of the relevant facts are that he

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applied for the post of Mazdoor under the scheme called "Recruitment Drive for the Scheduled Castes and Scheduled Tribes, 1993". His name was sponsored by the Employment Exchange because the applicant had been enrolled as an unemployed youth. He was called for interview on 24.3.1994 and was selected. On 20.10.1999, he received a letter from the Director General of Ordnance Services, Army Headquarters and was communicated that his candidature had been cancelled for the reason that the sponsorship by the Employment Exchange was declared to be forged. The applicant had been running from pillar to post but no appointment letter had been issued. Therefore, the present application has been filed.

3. The application has been contested. It has been pointed that the applicant was selected under the Special Recruitment Drive 1993 in the Central Vehicle Depot, Delhi Cantt. The Recruitment Board met in 1994 and a panel of the selected candidates was prepared. The employment process could not be completed due to a ban imposed by the Government. Subsequently the ban was relaxed in 1997 and 21 vacancies were released. Before processing the case, it was necessary to get the aliveness of registration number. The respondents had approached the Sub Regional

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Employment Exchange, Kirby Place, Delhi Cantt. to confirm the aliveness of the registration. The candidature of the applicant was cancelled as the registration was found to be forged. Therefore, the action of the respondents in this regard is being justified.

4. The abovesaid facts clearly show that the name of the applicant had been sponsored. He was selected but appointment letter had not been issued because according to the respondents, the sponsorship was found to be forged.

5. On 6.2.2002, this Tribunal had directed that respondent No.3 i.e. Regional Employment Exchange, Najafgarh, Delhi to keep the relevant register/records on the basis of which they had issued the letter dated 19.9.1997 for perusal. The said order was repeated on 16.12.2002. The relevant register pertaining to sponsorship and registration of applicant's name had not been produced. Therefore, we draw an adverse inference that had the same been produced, it would not have supported the case of the applicant.

6. On 19.7.1994, the respondents had written to the applicant, a letter which reads as under:-

"RECRUITMENT UNDER SPECIAL
RECRUITMENT DRIVE-93

1. Consequent on your interview



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dated 24 Mar 94, you have been selected for the post of LABOURER under Special Recruitment Drive -93 for Scheduled Caste for the year 1993.

2. Your appointment will only be made as and when clear vacancies will be released by Army Headquarters in due course."

Presently, the court is being informed that the sponsorship of the name of the applicant is forged.


7. The applicant has produced on the record along with the rejoinder, his Identity Card pertaining to registration of his name with the Employment Exchange at Najafgarh. As referred to above and re-mentioned at the risk of repetition that despite repeated opportunities, the same is not being produced. Therefore, we have no option but to hold that the registration of the name of the applicant is valid.

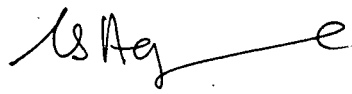
8. As regards the contention that the sponsorship of the name of the applicant was forged, once again the register produced was only pertaining to the Employment Exchange at Kasturba Gandhi Marg. The respondents are feeling shy of producing the relevant register of the Employment Exchange at Najafgarh. Merely saying that it was forged will not meet the ends of justice. Once the applicant had registered his name at the Employment Exchange at Najafgarh and his name had been sponsored then it must be shown as to how the same is forged. The department maintains a regular

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register so as to indicate the names that are being sponsored but the said register is not being produced. Keeping in view the aforesaid, we have no hesitation in rejecting the contention of the respondents.

9. For these reasons, the application is allowed and it is directed that since the applicant had been selected, he should be offered the post, if available. Otherwise, the first available vacancy shall be offered to the applicant subject to the condition that he fulfils all other material particulars. No costs.


(V. Srikantan)
Member (A)


(V. S. Aggarwal)
Chairman

/sns/