

Central Administrative Tribunal  
Principal Bench: New Delhi  
O.A. No. 2214/99

New Delhi this the 13th day of October 1999

Hon'ble Mr. Justice, V. Rajagopala Reddy, VC (J)  
Hon'ble Mrs. Shanta Shastri, Member (A)

Uma Shankar  
S/o Shri Ganshyam Dass  
R/o G-13 INA Colony  
Delhi-23.

...Applicant

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of N.C.T. of Delhi  
through Chief Secretary  
5 Sham Nath Marg, Delhi.
2. Dy. Secretary (Adm)  
General Administration Department  
5 Sham Nath Marg, Delhi.
3. Principal  
Govt. Motor Driving Training School  
Govt. of NCT of Delhi  
Loni Road, Delhi.

...Respondents

ORDER (Oral)

By Reddy, J.-

Heard the learned counsel for the applicant.

2. The applicant is aggrieved by the non-selection as Despatch Rider in the office of the General Administration, Department of NCT of Delhi. It is the contention of the learned counsel for the applicant that he fulfilled the requirements including Educational Qualifications as contained in Circular dated 21.6.99 issued by the Dy. Secretary (Admn.) for appointment to the post of Despatch Riders and inspite of it the respondents have found him in-eligible to be appointed and therea rejected his application.

*Uma*

3. In the Circular dated 21.6.99 the possession of valid driving license for Motor Cycle and experience of driving Motor Cycle for atleast 2 years was shown as essential requirements in addition to 8th standard pass <sup>L</sup>to the Educational Qualification, which was ~~only~~ <sup>L</sup>stated as desirable but not essential. Admittedly, the applicant obtained the license for driving Motor Cycle only on 5.5.99 and it is valid upto 4.8.2001. Hence it cannot be stated that he had experienced of driving Motor Cycle for atleast 2 years as required in the essential requirements. It is, however, contended by the learned counsel for applicant that he was working with the department as Despatch Rider since 1995 till date. He <sup>L</sup>places <sup>A</sup>reliance upon the proceedings dated 10.10.95 which is an office order issued by the NCT of Delhi where it was stated that the applicant should work as leave substitute of any other Despatch Riders and during the day he would be on reserve duty in R & I and will work as per the direction of the Superintendent. Learned counsel for applicant also places reliance upon the certificate dated 19.7.99 where it was stated that the work and conduct of the applicant as a Despatch Rider in R&I Section was satisfactory and also his behaviour was very cordial and his Integrity was beyond doubt.

4. From the above it is clear that he was working as substitute of any other Despatch Riders and his conduct was exemplary but when the respondents are now appointing the Despatch Riders on

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regular basis in accordance with the qualifications and the requirements, the impugned order ~~was~~ passed by the respondents ~~which~~ appears to be not wholly incorrect. However, without deciding this question, we dispose of the OA directing the respondents to consider the representation made by the applicant and dispose of the same, within three weeks.

5. O.A. is accordingly disposed of. No costs.

Issue Dasti.

*h-f-*  
(Mrs. Shanta Shastri)  
Member (A)

*V. Rajagopala Reddy*  
(V. Rajagopala Reddy)  
Vice-Chairman (J)

cc.