

Central Administrative Tribunal  
Principal Bench

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C.A. No. 2390/95

(3)

New Delhi, this the 18th day of April, 1996

Hon'ble Shri A.V.Haridasan, Vice-Chairman (S)  
Hon'ble Shri R.K.Ahochja, Member (A)

Dilip Kumar Prajapati,  
s/o Shri Chhabbo Prajapati,  
R/o House No. 2633, Jawahar Colony,  
Faridabad.  
(By Shri K.C.Mittal, Advocate)

... applicant

Versus

1. The Union of India through  
Secretary,  
Ministry of Urban Development,  
Nirman Bhawan,  
New Delhi.
2. The Director,  
Directorate of Printing,  
Nirman Bhawan,  
New Delhi.
3. The Manager,  
Government of India Press,  
Faridabad.
4. Shri D.D.Saxena,  
Manager,  
Govt. of India Press,  
Ring Road, Mayapuri,  
New Delhi-110 064.

(By Shri N.S.Mehta, counsel).

ORDER (Oral)

By Hon'ble Shri A.V.Haridasan, Vice-Chairman (S)

The applicant who claims to be a person  
belonging to O.B.C. was selected for appointment to  
the post of Book Binder against one of the five posts  
reserved for ~~numbers~~ members of backward classes. He was called

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with an offer of appointment but before the appointment could take effect, by order dated 31.3.1995 (Annexure A-1), the offer of appointment was cancelled by the respondent no. 3 on the ground that the OBC certificate produced by him was found to be not genuine on verification with the competent authority.

The applicant aggrieved by the said order made a representation to the second respondent and another representation to first respondent which were turned down on the specific ground that the certificate produced by the applicant was found to be bogus, and that the second certificate was obtained by the applicant furnishing the false information.

Under these circumstances and aggrieved by the cancellation of the offer of appointment as also the rejection of the representations submitted by him, the applicant has filed this application under Section 19 of the AT Act praying that the impugned order dated 31.3.1995 may be set aside and the respondents may be directed to appoint him as Book Binder on the basis of offer made on 24.2.1995.

The application is opposed by the respondents who have filed a reply statement. The applicant does not assert that the certificate furnished by him which was mentioned in the impugned order dated 31.3.1995, was a genuine one but he asserts that he belongs to OBC community and that he had produced a certificate issued by the competent authority of the place of his residence. A copy

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of the certificate issued by the competent authority is at Annexure A-11. To verify the genuineness of this certificate, the respondents have written a letter to the Tehsildar Bansgaon, Gorakhpur on 24.7.1995. The applicant has explained in the application that though he had produced the certificate issued by the competent authority of the place of his domicile yet, he having been directed to produce a certificate of the City Magistrate, Faridabad, sought a lawyer's assistance who obtained the certificate which is mentioned at Annexure A-12 and that he is not responsible even if it is found that the certificate is not genuine one. The respondents having addressed the Tehsildar Bansgaon for verification of the genuineness of the certificate produced by the applicant should have waited till they got a reply to that before cancelling the offer of appointment.

When the application came up for hearing on admission, the learned counsel on either side agreed that the matter, in the interest of justice, may be referred back to the respondents for ascertaining the fact whether the applicant really belongs to OBC and is entitled for appointment towards the vacancy reserved for OBC and if it is found that he is so entitled, take action in accordance with <sup>the</sup> offer of appointment. We are convinced that this would meet the ends of justice in this case.

In the light of what is stated at the Bar by the counsel on either side, and in the circumstances

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of the case, we dispose of this application with the following declaration and directions:-

- i) the impugned order dated 31.3.1995 is set aside;
- ii) The respondents are directed to verify with the competent authority the question whether the applicant belongs to OBC and whether he is entitled to the benefit of reservation and if the answer from the competent authority is ~~is~~ a positive then give him appointment on the basis of offer of appointment dated 24.2.1995, if he is not otherwise found/suitable for such appointment.
- iii) The action in the matter shall be completed within a period of four months from the date of receipt of a copy of this order.
- iv) There is no order as to costs.

~~R.K. Ahoogha~~  
(R.K. Ahoogha)  
Member (A)

~~A. V. Heri asen~~  
(A. V. Heri asen)  
Vice-Chairman (J)

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