

Central Administrative Tribunal, Principal Bench

O.A.No.1848/96

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

(8)

New Delhi, this 21st day of January, 1997

1. Shri Vijay Singh Shokeen  
s/o Shri Sardar Singh  
R/o 221 - A, Nangloi, Delhi.
2. Shri Jitender Kumar Rana  
s/o Shri Samey Singh  
H. No.310, Village and P.O.  
Mukhmailpur  
Delhi - 110 036.

... Applicants

(By Shri Jog Singh, Advocate)

Vs.

Govt. of NCT of Delhi, through

1. Director of Employment  
2, Battery Lane, Delhi.
2. Sub Regional Employment Officer (E&I)  
Employment Exchange  
Directorate of Employment  
2 - Battery Lane, Delhi.
3. Administrative Officer (E. IV)  
Directorate of Education  
Old Secretariate  
Delhi - 53.

... Respondents

(By Shri Rakesh Sharma, ACC, Departmental  
Representative on behalf of the respondents)

O R D E R (Oral)

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

The grievance of the applicants, two in number, is that though they had renewed their employment registration card for three years with effect from 26.7.1994, their names were not sponsored for being considered for the post of Physical Education Teacher on the ground that renewal entered in their case were found to be not genuine. The case of the applicants is that they had bona fide renewed the employment registration and they held a valid registration. It is further alleged in the application that the respondents under identical circumstances issued an identical order dated

01.03.1996 (at page 34, Annexure A-7) to one Shri Virender Kumar and ultimately sponsored his name but refused to sponsor the names of the applicants. Action of the Sub-Regional Employment Officer, Respondent No.2 in not sponsoring the names of the applicants accordingly is arbitrary, illegal, discriminatory and unjustified. Therefore, the applicants have prayed that the impugned orders at Annexure A1 and A2 may be quashed and set-aside and the respondents be directed to keep on the renewal in the Employment Identity Card alive and sponsor the names of the applicants for being considered for selection to the grade of Physical Education Teacher.

2. When the application came up for hearing on 20.9.1996, as an interim measure respondents 1 and 2 were directed to sponsor the name of the applicants provisionally for consideration for appointment as Physical Education Teacher (P.E.T.) in the grade of Trained Graduate Teacher (T.G.T.). Pursuant to this order, Respondents 1 & 2 sponsored the names of the applicants who have been considered for the aforesaid post.

3. Respondents in their reply have contended that the renewal entered in the case of the applicant No.1 and 2 were not genuine and the Director(Employment) allowed the registration of a similarly situated person one Shri Virender Kumar much thereafter. The respondents contend that the facts of the case of Shri Virender Kumar were different from the case of the applicants.

4. - We have perused the material on record. We find that the renewal shown in the employment identity card of the applicants 1 and 2 and of Shri Virender Kumar were written in

identical hand and the signature also appears to be same. We do not find much force in the contention of the respondents that the case of Shri Virender Kumar was different from that of the applicants 1 and 2. In what way the case is different from that of the applicants is not mentioned in their reply. The respondents did not produce the relevant register to establish that the entry in the cards of the applicants were not carried over in the register. Since the handwriting and signature pertaining to the applicants and that in the case of Virender Kumar are identical even for comparison by naked eye, we are of the opinion that they are genuine and that if there was an omission to carry it over to the register the applicants cannot be put to hardships. We direct that the renewal of registration of the applicants shall be carried out in the register by the respondents forthwith. However, the applicants were provisionally sponsored and they have been considered for Physical Education Teacher. We are of the considered view that the application can now be disposed of directing the respondents to treat that the renewal of the registration in the case of the applicant with the employment exchange are genuine. No costs.

~~Rao~~  
(R.K.AHOOJA)  
MEMBER(A)

/rao/

  
(A.V. HARIDASAN)  
VICE-CHAIRMAN(J)