

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

OA No.2955/97

New Delhi this the 18th day of May, 1998

Hon'ble Smt.Lakshmi Swaminathan, Member(J)
Hon'ble Shri K.Muthukumar, Member (A)

Dr.Mukesh Yadav,
S/O Mr.J.S.Yadav,
R/O D-16,Pusa Campus,
I.A.R.I.,New Delhi-12

..Applicant

(By Advocate Ms.Jasmine Ahmed)

Vs

Union of India- through:

1.Director General of Employment
and Training,
M/O Labour, 2A/3,Asaf Ali Road,
Kundan Mansion, New Delhi-2

2.Principal,
Lady Hardinge Medical College &
Smt.S.K.Hospital,
New Delhi-1

3.Mr.Rabindra Narayan Mishra,
Chief Administrative Officer,
L.H.M.C. & Smt.S.K.Hospital,
New Delhi.

4.Anjum Iqbal Mashari,
Shanti Niwas Hostel
Room No. L.H.M.C.New Delhi.

..Respondents

(By Advocate Shri S.M.Arif for R 1-3)

(By Advocate Sh.A.K.Behra for R 4)

O R D E R (ORAL)

Hon'ble Smt.Lakshmi Swaminathan, Member(J)

The applicant is aggrieved by the action of the respondents in not interviewing him for the post of Senior Resident(Forensic Medicine), Lady Hardinge Medical College for which the Central Employment Exchange had advertised in the Employment News of 19-25 July,1997.(Advt.29/97)

2. In the Advertisement No.29/97 for the post of Senior Resident(Forensic Medicine), the qualifications prescribed were as follows:

" A post-graduate degree in the concerned speciality failing which a post-graduate dip.in the speciality, failing both at least two years exp.after MBBS of which one year should be in the concerned speciality."

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In the advertisement it was also provided that the applications in the prescribed form should be submitted only to the Local/nearest Employment Exchange upto 4.8.97.

3. From the facts stated by the applicant, it is seen that the applicant had passed MD(Forensic Medicine) examination held in October, 1997 which has been certified on 12.12.1997. Ms. Jasmine Ahmed, learned counsel for the applicant submits that the applicant was holding the degree of MBBS in 1991 and 2 years experience in Forensic Medicine as required in the advertisement. She relies on the certificate issued by the G.S.V.M. Medical College, Kanpur dated 12.12.1997 for this purpose. Learned counsel contends that the applicant had in furtherance to the advertisement submitted his application for ^{the post of} Senior Resident(Forensic Medicine) to ^{the} Local Employment Exchange at Kanpur on 28.7.97. She further submits that by the Ann.A.4 letter from the Deputy Chief, University Employment Information and Guidance Bureau, Kanpur, the respondents have admitted their mistake in not taking into account his experience but only the fact ^{that} at the time of application the applicant did not have the Post Graduate qualifications which admittedly had been acquired only in December, 1997. The applicant has also been appointed to the post of Senior Resident(Forensic Medicine) on ad hoc basis by order dated 27.10.1997 for one month, which according to the learned counsel shows that the applicant fulfils the requisite eligibility conditions for the post.

4. The respondents have filed their reply and controverted also the above facts and we have/heard Shri S.M.Arif, learned counsel for the official respondents and Shri A.K.Behra, learned counsel for the private respondent.

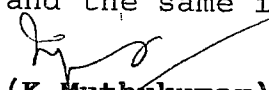
5. From the Annexure A-1 certificate dated 12.12.1997 relied upon by the applicant itself, it is seen that the certificate regarding experience in the speciality of Forensic Medicine

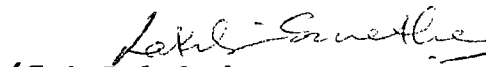
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had been obtained by the applicant only in December, 1997. According to the applicant himself he had submitted his application for the consideration of his case for appointment to the post of Senior Resident (Forensic Medicine) on 28.7.97 to the Local Employment Exchange at Kanpur. Learned counsel for the applicant has been unable to explain how the letter relied upon by her issued by the Deputy Chief, University Employment Information and Guidance Bureau, Kanpur is that pertaining to the Employment Exchange. The respondents on the other hand have submitted that vide letter dated 19.8.1997 (Ann.R.1) they had already informed the applicant that his application for the post of Sr. Resident could not be forwarded to the respondents as he did not have the minimum qualifications namely, the required experience in the subject mentioned in the Advertisement. It is seen that the applicant himself had not done anything to correct these facts till the certificate had been obtained by the GSVM Medical College, Kanpur dated 12.12.1997.

6. The last date for receipt of application for the aforesaid post was upto 4.8.97 and in this case the local Employment Exchange had received it before that date. It is settled position that the application forms submitted to the competent authority have to be complete in all respects. From the facts given above, we are unable to accept the contention of the applicant that he had furnished the duly completed application form for the post of Sr. Resident (FM) before the due date or that there has been any lapse on the part of the official respondents in dealing with his case thereafter in accordance with the Rules/instructions.

7. In this view of the matter, we see no good grounds justifying any interference in the matter. The OA lacks merit and the same is accordingly dismissed. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)