

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.815 of 1997

New Delhi, this the 7th day of November, 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman(J)
Hon'ble Mr. N. Sahu, Member(Admnv)

1. Shri Nand Kishore S/o Sh. Raghunath, R/o K-429, Nand Gali, Panjabi Bazar, Kotla Mubarakpur, New Delhi -3.
2. Shri Ranbir Singh S/o Sh. Diwan Singh R/o A-21, Bharat Vihar, Palam Road, New Delhi-43
3. Sh. Iqbal Singh S/o Mushi Ram, R/o H.No.19, Sadla Jali Colony, M.B. Road, New Delhi.
4. Sh. P. Nalla Thambi S/o Pacha Muthu, R/o G-283, Shakurpur, New Delhi - 34
All working as Lab Helpers Gr.III under Respondent No.2

-APPLICANTS

(By Advocate - Shri Sant Lal proxy counsel for Shri S.C. Luthra)

Versus

1. Union of India through : The Secretary, Ministry of Water Resources, Shram Shakti Bhawan, Kidwai Marg, New Delhi-110 001.
2. Director, Central Soil & Materials Research Station, Hauz Khas, New Delhi-110 016

-RESPONDENTS

(By Advocate - Shri R.V. Sinha)

O R D E R (O r a l)

By Dr. Jose P. Verghese, VC(J)

The relief claimed in this O.A. is that the Office Memorandum issued by the respondents against the applicants stating that the certificates submitted by the applicants indicating that they have passed the 10th class are not recognised certificates for the purpose of considering the applicants that they have passed matriculation, that being essential for the purpose of granting promotion to the applicants to the post of Laboratory Assistant Grade-III.

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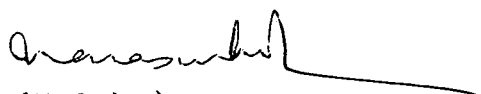
2. The applicants have relied upon a decision of the Hon'ble High Court passed in CWP No.528/95 in the matter of Dayal Singh Rawat Vs. UCO Bank & others in which the High Court by an order dated 10.1.1992 (Sic) has relied upon a letter of 12.12.1988 issued by the Department of Education, Ministry of Human Research and Development. On the basis of the said order the High Court came to the conclusion that at least till the said date, namely, 12.12.1988 the certificate issued will have to be treated as equivalent to matriculate.


3. After notice the respondents have filed the reply stating that by a previous order dated 12.8.1988 the same department had issued another letter stating that the certificates of this nature arising out of the said organisation shall not be recognised for any purpose whatsoever. It was also stated that the respondents were not party to the said writ petition, namely, 528/95, even though the Board of Adult Education and Training, Delhi was a party through Secretary of the said Organisation. The submission of the learned counsel for the respondents was that since the department was not directly a party they had no opportunity to produce this order of 12.8.1988 before the High Court and as such the apprehension of the respondents that the order of the High Court would not have been the same, had this letter also was placed before the Hon'ble High Court. Whatever be the circumstances, for the reason that the High Court has now come to the conclusion on the basis of the letter of the same department dated 12.12.1988 that the certificate issued prior to that date should be treated as a valid certificate for the purpose of consideration.

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The applicant's certificate belong to the same period. We are afraid that being a binding precedent we cannot depart from the said decision of the Hon'ble High Court. It is also a fact that even in this case all the four certificates were issued prior to 12.12.1988 and even prior to 18.8.1988, the date of the subsequent orders of the respondents.

4. In view of this, we find no reason to disallow this application and in the circumstances we allow this O.A. and set aside the impugned orders passed by the respondents on 21.3.1997 against all the applicants and the applicants are entitled to all consequential reliefs. No order as to costs.


(N. Sahu)
Member (Admnv)


(Dr. Jose P. Verghese)
Vice Chairman(J)

rkv.