

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.1642/94

NEW DELHI THIS THE 21ST DAY OF NOVEMBER, 1994.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)  
HON'BLE SHRI S.R. ADIGE, MEMBER (A)

Shri R.K. Agarwal,  
Labour Enforcement Officer (Central)  
New Delhi.  
Block-b, 2-E-3, Curzon Road,  
Barracks, K.G. Marg,  
New Delhi-1

...Applicant

(By Advocate : Shri Inderjit Singh)

VERSUS

1. The Union Public Service Commission,  
Dholpur House,  
Shahjahan Road,  
New Delhi.

through, its Secretary.

2. The Ministry of Labour,  
Government of India,  
Shram Shakti Bhavan,  
Rafi Marg, New Delhi

through, its Secretary.

....Respondents

(By Advocate : None )

JUDGEMENT (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

In pursuance of an advertisement in Employment News dated 10-16.4.1993 for the post of Grade-V of the Central Labour Service, advertised by Respondent No.1, the applicant applied to the U.P.S.C. An interview for selection of the candidates was held from 8th August 94 to 26th August, 1994. The applicant was not called for the aforesaid interview. The applicant filed this application in the Tribunal on 16.08.1994. He did not make any representation to the department before filing this application in the Tribunal. The

grievance of the applicant is that though he fulfils the eligibility / qualifications as per the advertisement issued by the U.P.S.C. published in the Employment News of the Week dated 10-16 April, 93 and also as per the Recruitment Rules of Central Labour Service Rules, 1987 he has not been called for interview. The applicant has prayed for the grant of the relief that he be declared entitled to be called for interview for the post of Grade-V of Central Labour Service . Secondly the applicant be interviewed for the said post and be considered for appointment. Thirdly, the applicant prayed for the grant of interim relief and that in the mean time an interim direction be issued to the Respondents that one post <sup>of Grade V</sup> be kept in abeyance till the disposal of this application.

2. The Tribunal considered this matter in the order dated 26.8.94 and did not find favour to grant interim order, holding that there is no prima facie case.

3. A notice was issued to the respondents who contested this application and in the reply the respondents No.1 stated that the applicant did not possess essential qualification No.(ii) i.e. P.G. Degree or Diploma in Social Work/Labour Welfare/Industrial Relations/Personal Management (exhibit I), and therefore, he was not called for the interview.

4. The applicant has also filed the rejoinder in which he reiterated the stand taken in the Original Application that he possessed fully the

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the qualifications prescribed for the Grade V posts in the Central Labour Services. Along with the rejoinder a Annexure has also been filed, which is a Seniority List of Grade-V Officers of the Central Labour Service issued on 4th November, 1992 wherein the name and qualifications have been shown of the serving Members in Grade-V.

5. We heard the learned counsel for the applicant. We gave one pass over in the morning when the counsel for the respondents was not present. We have again taken up this matter after lunch and none is present on behalf of the respondents. However, the counter is on record. We propose to dispose of this application on the basis of the merit and on the pleadings. The short question involved in this case is that the applicant who is already working as labour Enforcement Officer (Central), in the Office of Labour Commissioner (Central) New Delhi, was eligible on the date of applying for the post of Grade V of Central Labour Service, to be called for interview or not. There are no two opinions about the qualifications for the post but the counsel for the applicant stated that essential qualifications No.(ii) in the manner of Post graduate degree is to be read in isolation and diploma in Social Work etc is to be read separately. The respondents stand is that the Post graduate degree also qualifies Social Work, Labour Welfare, Industrial Relations and Personal Management and if there is no Post graduate degree, then the diploma also be considered as necessary qualification making a person eligible for the said post. In order to highlight this

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fact the learned counsel for the applicant has emphatically pressed the qualifications which are mentioned against the name of the serving Grade V Officers of the Central labour Service, where against the name M.A./Ph.D & B.Com have been shown and by this the learned counsel has highlighted the practice adopted in the earlier years for appointment to the post after considering the eligibility of the candidates under selection.

6. We have given a careful consideration.

le Firstly, we find that the applicant has not filed ~~application~~ <sup>any document of</sup> /~~against~~ the advertisements issued by the U.P.S.C. for the earlier years. Secondly, the mention of qualifications of the service candidates would not by itself be taken that they did not possess any other qualifications which was considered by the Selecting Body at the relevant point of time and combining them to the post. Thirdly, when the respondents have given a particular meaning to a sentence or part of the sentence then there can be no further interpretation of the particular language used in that sentence. Now analysing the qualifications laid down, we refer only to the essential qualifications No.(ii) which is quoted below :-

Degree in Law

Or Post graduate Degree or diploma in Social Work/Labour Welfare/Industrial Relations/Personnel Management of a recognised University/Institution or equivalent.

7. Now Post graduate degree or Diploma has to be read as a whole. These cannot be read in

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isolation this qualifies the subject which is Social Work, Labour Welfare, Industrial Relations, Personnel Management etc. The reading done by the learned counsel cannot be normal reading. The word 'or' between Post graduate degree and Diploma has to be given the proper meaning and if it is interpreted by the Respondents in a particular manner we do not find any case that Post graduate degree has to confine itself to any particular subject. The duty of the Central Labour Service is primarily confined to certain Labour Welfare Schemes and the first essential qualifications is Graduation degree from a recognised University, which can be in any of the subjects. The second essential qualifications is degree of Law, which also covers Labour Laws, and in the alternative the person must have the knowledge of study of graduation course either by way of getting a diploma or a Post graduate degree in any of the Labour Sciences i.e. of Social Work, Labour Welfare or Industrial Relations or Personnel Management. There is logic behind the meaning assigned by the Respondents to the eligible qualifications. We do not want to differ with it. The interpretation contended by the applicant's counsel cannot be accepted.

8. There is another provision of short-listing where a large number of candidates apply, the U.P.S.C. has prerogative to call for only a limited number of candidates even taking into account preferable qualifications for the post. The

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contention of the learned counsel, however, is that it is not the case of short-listing because the applicant has been adjudged ineligible for appointment to the said post of Grade V on the basis of the qualification critaria. In any case we do not find any fault in the order of the respondents in not calling the candidate for the interview.

9. We, therefore, dismiss the application leaving the parties to bear their own costs.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER (A)

*J.P. Sharma*  
(J.P. SHARMA )  
MRMBRT (J)

SSS