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Central Administrative Tribunal, Principal Bench

Original Application No.2597 of 2000

New Delhi, this the 8th day of May, 2001

Hon'ble Mr. Kuldip Singh, Member (J)

Shri Opendar Singh Yadav
S/o Shri Narveer Singh Yadav
Ex.E.D.Stamps Vendor under New Delhi Central
1st Sub Division
New Delhi-55 - Applicant

(By Advocate: Shri Sant Lal)

Versus

1. Union of India, through
the Secretary
Ministry of Communications, Dept. of Posts
Dak Bhawan, New Delhi-1
2. The Sr. Supdt. of Post Offices
New Delhi Central Division
Meghdoot Bhawan, New Delhi-1
3. The Asstt. Supdt. of Post Offices
New Delhi Central 1st Sub Division
S.R.T. Nagar P.O., New Delhi-55 - Respondents

(By Advocate: Mrs. P.K. Gupta)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

The applicant in this OA is aggrieved of the cancellation of his appointment to the post of E.D. Stamp Vendor (in short "EDSV") on regular basis which was given to him vide letter dated 6.10.99 (Annexure A-2). The impugned order dated 6.12.99 reads that since the applicant acquired the educational qualification from Hindi Sahitya Sammelan which is not recognised by the Department of Education, Ministry of Human Resource Development, therefore, his appointment is being cancelled. However, learned counsel for the applicant drew my attention to a notification annexed with the reply filed by respondents (page 20 of the counter) which shows that the certificate of Prathma

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issued by the Hindi Sahitya Sammelan is recognised by the respondents' department.

2. Learned counsel for the respondents submitted that when the applicant was initially appointed in the year 1998, he was given the preferential treatment which should not have been given since he had not submitted the certificate at that time and he had been appointed under the influence of some officer.

3. Learned counsel for the applicant referred to a judgement reported in ATJ 1999 (3) 576 - A. Sankar vs. UOI & ors. and submitted that the qualification required for appointment to the post of EDSV as per the recruitment rules is only 8th Standard and working knowledge of the regional language and simple arithmetic so as to enable them to discharge their duties satisfactorily. The clause that preference may be given to the candidates with Matriculation qualification has already been held to be ultra vires of the provisions of the Constitution in A.Sankar's case (supra). So, there was no question of granting appointment to the applicant under the preferential clause.

4. Be that as it may, since the respondents have cancelled the appointment of the applicant on the ground that his certificate of Prathma from Hindi

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Sahitya Sammelan is not recognised which fact is contradicted by the department's own document at page 20 of the counter, I am of the opinion that the order of cancellation of appointment of the applicant cannot be sustained and the same is liable to be quashed.

5. I, therefore, allow the O.A. with a direction to respondents to ^{re-instate in} ~~give appointment to~~ the applicant within a period of one month from the date of receipt of a copy of this order. However, no wages shall be paid to the applicant for the period during which he has remained out of job. No costs.


(Kuldip Singh)
Member(J)

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