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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-729/2000

New Delhi this the 5th day of January, 2001.

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)
Hon'ble Dr. A. Vedavalli, Member(J)

Parveen Kumar,
Chowkidar, MES No. 3144484,
C/o Garrison Engineer (AF)
Subrato Park,
Palam, Delhi Cantt. Applicant
(through Sh. Vijay Kumar, Advocate)

Versus

1. The Secretary,
Ministry of Defence,
Government of India,
New Delhi.
2. Engineer-in-Chief,
Army Headquarters,
Kashmir House,
DHQ PO,
New Delhi-11.
3. Chief Engineer,
HQ Western Command,
Chandimandir,
Haryana-134107.
4. Chief Engineer (AF),
WAC Jalandhar Cantt.
Punjab.
5. CWE (AF), Palam,
Delhi Cantt-110010.
6. GE (AF),
Subrato Park,
Delhi Cantt, Delhi. Respondents
(through Sh. Gajender Giri, Advocate)

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ORDER (ORAL)
Hon'ble Sh. S.R. Adige, Vice-Chairman(A)

Applicant challenges the action of respondents in not allowing him to appear in the examination/interview held on 28th/29th November 1996 for the post of LDC, and for rejection of his representation dated 01.02.2000. He seeks a declaration that he stands promoted to the post of LDC against 10% quota with retrospective effect from 30.01.1997 with all consequential benefits.

2. Heard both sides.

3. Pleadings reveal that respondents held selection for the post of LDC on 28th/29th November 1996 under 10% promotion quota. The Recruitment Rules (Annexure P1) provide that promotion to the post of LDC is on non selection basis under the aforesaid 10% promotion quota, for which Group-D employees of the units/establishment who fulfil the requisite educational qualification of matriculation and have rendered 5 years regular service in the grade are eligible.

4. It is not denied that at the relevant point of time 18 promotions were made, and applicant was at Serial No. 4 in the seniority list.

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5. Respondents rejected applicant's candidature on the ground that he did not possess matriculation certificate, but applicant's counsel has invited our attention to CBSE letter at Annexure P-7, which refers to Home Ministry's earlier letter dated 11.01.1962, wherein it has been stated that it has been decided in consultation with UPSC to recognise the 10th class certificate from a Higher Secondary School in India as equivalent to the Matriculation Examination Certificate of an Indian University for the purpose of appointment to services and posts under the Central Government.

6. In this connection, applicant's counsel has invited our attention to respondents own letter dated 04.02.97 (Annexure P-9), which acknowledges that applicant was in possession of a certificate showing that he had passed 10th class in the year 1975.

7. Under the circumstances, we hold that rejection of applicant's candidature merely on the ground that he did not possess the Matriculation Examination Certificate, was illegal on the part of respondents.

8. Under the circumstances, this O.A. succeeds and is allowed, respondents are directed to consider applicant's candidature as a LDC against vacancies that were available in November 1996, when

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in accordance with rules and instructions ?
the aforesaid selections were held, with all
consequential benefits. These directions should be
implemented within two months from the date of receipt
of a copy of this order. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

S.R. Adige

(S.R. Adige)
Vice-Chairman(A)

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