

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-859/2000

New Delhi this the 22nd day of March, 2001.

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

1. Sh. Raj Kumar,
S/o Sh. Devi Ram,
734, Lodhi Road Complex,
New Delhi-3.
2. Sh. Chani Ram,
S/o Sh. Kheem Ram,
1127, R.K. Puram,
Sector-2, New Delhi-22. Applicants

(through Sh. S.N. Anand, Advocate)

Versus

1. Union of India through
Secretary,
Department of Posts,
Ministry of Communications,
Dak Bhawan,
Parliament Street,
New Delhi.
2. Asstt. Director General(Admn.),
Department of Posts,
Ministry of Communications,
Dak Bhawan,
Parliament Street,
New Delhi. Respondents

(through Sh. J.B. Mudgil, Advocate)

ORDER (ORAL)

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

Applicants impugn respondents order dated 01.05.2000 (Annexure-A) reverting them to the substantive post of Daftry (Group 'D'), on the ground that their promotion orders are based on certificates of unrecognised educational qualifications furnished by them.

2. We have heard both sides.

3. Applicant No.1 entered into service as Peon on 03.12.1968, while Applicant No. 2 who belongs to SC Community, also entered into service as Peon on

16.06.1979. Applicant No.1 was promoted as Daftry on 03.12.1984 while Applicant No. 2 was promoted in March, 1986. Both of them were subsequently promoted to the post of LDC on regular basis w.e.f. 03.07.1995 in the 5% quota for departmental promotions based on seniority.

4. Respondents state that the promotion of applicants as LDC on regular basis w.e.f. 03.07.1995 against 5% seniority quota for the year 1993 earmarked for educationally qualified (Matriculation or equivalent) Group 'D' employees, on the basis of their educational certificates, took into account the certificates submitted by them on having passed Ucha Madhyamik Examination (Matriculation Standard Examination, 1992) from the Board of Adult Education & Training, New Delhi on the bonafide understanding that the said Board and its certificates were recognised for the purpose of employment under the Central Government.

5. Respondents further state that it came to their notice subsequently that the said Board is not a recognised Institution and its certificates are not recognised for the purpose of employment under the Central Government, compelling them to revert applicants to their substantive posts after putting them to notice. ()

6. In this connection, our attention has been invited to the Delhi High Court order dated 10.01.97 in CWP-538/95 (Dayal Singh Rawat Vs. UCO Bank & Ors.) holding that until 12.12.1988 the Board of Adult Education & Training was a recognised institution and its certificates were equivalent to 10+2 Examination Certificates of CBSE, Delhi. It was further held that this Institution was recognised until 12.12.88 and it was derecognised only after 12.12.1988.

7. It is not denied that the present applicants have obtained the certificates from the Board of Adult Education & Training well after 12.12.1988, some time in 1992. By that yardstick it is clear that the certificates furnished by applicants are not valid.

8. However, we are aware that in some what similar circumstances, the Hon'ble Supreme Court in its judgement dated 01.09.92 in Civil Appeal No. 3759/92 U.O.I. Vs. Sunil & Ors. had given some time to these respondents to secure the prescribed educational qualifications from a source recognised by the ^{authorities} ~~respondents~~.

9. In the present case, it is not respondents contention that the services of applicants have been in any way unsatisfactory, and it is also clear that applicants have been working on the

promotional post of LDCs on regular basis since 1995 and have, therefore, completed nearly six years as such.

10. Under the circumstances, we dispose of this OA with a direction to respondents to keep the implementation of impugned order dated 01.05.2000 (which has been stayed by interim order dated 11.05.2000 and which stay order has been extended from time to time) in abeyance till 30.06.2002, to enable applicants in the meantime to avail of the opportunity of securing the prescribed educational qualification from a recognised Institution. If applicants are successful in securing the same, respondents may retain them beyond 01.07.2002 as LDCs but if they are not successful, it will be open to respondents to revert them w.e.f. 01.07.2002.

No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

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

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