

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

O.A.NO. 1204/89

DATE OF DECISION: 30.9.1991

SHRI SURESH CHAND

APPLICANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

CORAM:-

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A)

COUNSEL FOR THE APPLICANT : SHRI S.S. TIWARI

COUNSEL FOR THE RESPONDENTS : SHRI M.L. VERMA

JUDGEMENT

(of the Bench delivered by Hon'ble Mr. T.S. Oberoi, Member(J).

In this O.A. filed under Section 19 of the Central Administrative Tribunals Act, 1985, the applicant, who was appointed as a temporary Civilian Barber on 5.8.1986, in place of a Combatant Barber, because of non-availability of the Combatant incumbent, and whose services were terminated on 12.2.1988, after a service of one year, six months and seven days, has prayed for the quashing of the impugned order dt. 12.2.1988 and directing the respondents to reinstate him with all consequential benefits and back wages.

2. The applicant's case is that his name was duly forwarded by the Employment Exchange, Mathura, on a requisition from the Commanding Officer, No.1, Corps. Provost Unit, Mathura, and at the time of his registration of his name with the Employment Exchange, he had given his date

of birth and other qualifications correctly, but it seems while forwarding his particulars, some error took place, at the hands of some one in the office of the Exchange, and he was shown as illiterate with the year of his birth shown as 1963, though he was Matriculate and his date of birth being 18.1.1961, thus resulting in his selection by a Board of Officers, held for the purpose, but later, on detecting, on his furnishing his Matriculation Certificate that he was overage by about 6 months and 18 days, and on being furnished a combatant hand by the concerned authorities, his services were terminated. His case was, however, forwarded to the concerned authorities for his absorption as a surplus hand, in accordance with the rules and instructions on the subject, but the latter asked for the sanction of the Competent Authority for the condonation of the age limit. Though, his case was taken up for such condonation, the authorities concerned ordered court of  
a/ enquiry to be held in the matter, to fix the responsibility for his irregular appointment. Eventually, his authorities, name was also not forwarded to the concerned /for absorption as a surplus hand, as the requisite sanction for condonation of the upper age limit was not granted by the Competent Authority, and his services terminated, without following proper procedure under the rules, and hence this application.

3. The respondents' case is that his appointment was ab-initio void as, but for applicant's collusion and

active involvement, the giving of incorrect particulars by the Employment Exchange, Mathura, could not have come about. It was also averred that the applicant was a sufficiently well-educated person and it was expected of him to know about his correct date of birth and his keeping silence, during his selection, about the particulars being known to the selecting authorities, was deliberate, and therefore, his services were rightly dispensed with, in terms of Rule 5 of C.C.S. (T.S.) Rules, 1965, being merely temporary and contractual, initially for a period of one year, subject to extension for another year in two spells of six months each. There was no stigma in the discharge of his services, as per impugned order dated 18.2.1988 (Annexure 'A' to the OA), as it was an order of termination simplicitor, on the posting of a permanent Combatant Barber, against the existing vacancy.

4. We had called for the relevant record in order to peruse for ourselves, as to how the entry of the applicant into the service, as a barber took place. On a perusal of the same, it is noticed that initially names of ten persons (without the applicant's name finding a place therein) were forwarded by the Employment Exchange, Mathura, to the authorities concerned (page 15-R/4 of the paperbook), and applicant's name was subsequently forwarded, as a supplementary one, and therein, though the particulars were not well-legible, the year of his birth was shown

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as 1963. The applicant, as has been mentioned earlier, was a Matriculate, and so, he could very well know the contents of the particulars furnished in his respect by the Employment Exchange authorities, at Mathura. Had he disclosed his educational qualifications during the selection, his certificate would have necessarily been asked for and looked into and anomaly detected, at the earliest stage. Though his anxiety to get into service can well be imagined, everything has to be viewed in the right perspective. In the enquiry held for the purpose, he was also associated, by summoning him from his native place. In the circumstances and after bestowing our careful thought to the whole matter, we are not inclined to interfere, and, as a result, the O.A. is dismissed, without any order as to costs.

*I.K. Rasgotra*  
(I.K. RASGOTRA)  
MEMBER(A) 35/1/91

*T.S. Oberoi* 30.9.91  
(T.S. OBEROI)  
MEMBER(J)

/VV/