

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.490/89.

New Delhi, this the 18th day of April, 1994.

SHRI J.P.SHARMA, MEMBER(J).

SHRI S.R. ADIGE, MEMBER(A).

Shri Chander Mal,
son of Shri Babu Lal,
aged 44 years,
working as Library Attendant,
Dr. Ram Manohar Lohia Hospital,
New Delhi-110001,
and resident of House No.8649,
Arakashan Road, Paharganj,
New Delhi-110055.

...Applicant

By advocate : None.

Versus

1. Union of India, through
Director-General of Health Services,
Nirman Bhavan, New Delhi-110 011.
2. The Medical Superintendent,
Dr. Ram Manohar Lohia Hospital,
NEW DELHI-110 001.

...Respondents

By advocate : None.

O R D E R (ORAL)

SHRI J.P.SHARMA :

The applicant was working in the class IV post in Directorate General of Health Services and he was promoted to the post of Library Attendant on the basis of a circular issued on 5-1-83. That post carried eligibility as regards educational qualifications, tenth pass and one year's experience in library. Accepting the contention of the applicant that he has educational qualification of the basis of a certificate issued by Board of Adult Education and Training of the Uchchattar Madhyamik Examination in 1983, the applicant was appointed to that post with effect from 12-12-1983. The applicant,

Je

however, was reverted to his substantive post by the order dated 3-10-86 stating that his certificate of the educational qualification of having passed matriculation or equivalent examination is from an institution which is not recognised by the Ministry of Human Resource Development. The applicant in the present application has assailed that order.

2. The respondents contested this application and stated that in view of the fact the applicant did not possess the eligible educational qualification of matriculation from a duly recognised institution, he was not eligible to be appointed to the post of Library Attendant. In view of this, the respondents have supported the impugned order.

3. The applicant has also filed the rejoinder stating that he was placed on a period of probation and that he should not have been reverted after he has put in for a number of years on the post of Library Attendant. He further stated that before reverting the applicant, the applicant should have been issued a show-cause notice and after hearing the applicant, only an order affecting the service conditions of the applicant could have been passed.

4. None is present on behalf of the applicant. None is also present on behalf of the respondents. In fact, the educational qualifications for a post is the minimum requirement and any deviation from the rules would not be justifiable. The respondents have taken the action in view of the fact that the matter was got clarified from the Ministry of Human Resource Development who by their letter dated 24-6-1986 gave a clarification that the Board of Adult Educational and Training is not a recognised institution. When the applicant was not eligible, he does

↓

not get a right to hold the post. Even though the applicant may have got some experience of library work, but that will not make up the deficiency of educational qualification. The applicant has also since been transferred to AMS office sometimes in March, 1989. The applicant has since been working in the AMS office. M.P.-783/89 moved by the applicant was also rejected by the order dated 5-6-1990. In view of this, we don't find any merit in this application and the

same is dismissed as devoid of merit. No costs. However, the applicant after get eligible or higher qualification from a recognised institution be considered for promotion according to the Rules.

S.R. Adize
(S.R. ADIZE)
MEMBER (A)

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)

'KALRA'

18041994.