

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH****O.A. No. 4549/2018****And****O.A. No. 4554/2018****New Delhi, this the 08th day of September, 2020****(Through Video Conferencing)****Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Sh. A.K. Bishnoi, Member (A)****O.A. No. 4549/2018**

Navjot Singh, 27 years

S/o Rattan Chand

R/o House No. 15/1 Village Bharari

Tehsil Khundian, Group C

District Kangra, Des-Chemical Assistant

H.P-176031

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Applicant**(through Sh. Suhail Malik and Sh. Vikas Malik)****Versus****1. Staff Selection Commission**

Through its Chairman (Head Quarter)

Block No. 12, CGO Complex

Lodhi Road, New Delhi-110003.

2. Staff Selection Commission (Northern Region)

Through its Regional Director

Block No. 12, CGO Complex

Lodhi Road, New Delhi-110003.

3. Department of Revenue Control

Central Revenue Control Laboratory

Hill Side Road, Pusa

New Delhi-110012.

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Respondents**(through Sh. S.N. Verma)**

O.A. No. 4554/2018

Sandeep, 27 years
S/o Ramesh Chand
R/o VPO Jalari Tehsil
Jalari Bhandiaran, Des-Chemical Assistant
District Hamirpur, Group
H.P-177042.

... Applicant

(through Sh. Suhail Malik and Sh. Vikas Malik)

Versus

1. Staff Selection Commission
Through its Chairman (Head Quarter)
Block No. 12, CGO Complex
Lodhi Road, New Delhi-110504.
 2. Staff Selection Commission (Northern Region)
Through its Regional Director
Block No. 12, CGO Complex
Lodhi Road, New Delhi-110504.
 3. Department of Revenue Control
Central Revenue Control Laboratory
Hill Side Road, Pusa
New Delhi-110012.
- ... Respondents

(through Sh. S.N. Verma)

ORDER (ORAL)

Hon'ble Sh. A.K. Bishnoi, Member (A):

Since the subject matter and relief claimed in both the OAs are substantially similar, they are being disposed of through a common order. To avoid clutter, without compromising on the

fidelity of the issue and the ensuing discussion, reference to detail is primarily as applicable to OA No. 4549/2018.

Briefly, the facts of the case are as follows:



- (i) The applicants in the present OA had applied for the post of Chemical Assistant in response to the Advertisement No. NR/2/2017 dated 24.09.2017 issued by Respondent No. 1 (Annexure A/8). They appeared for the exam and were found provisionally eligible. They were called for document verification on 03.06.2018 at the office of Respondent No. 1. The applicants presented their documents but their application was rejected on the ground that they did not possess the requisite experience. The applicants, thereafter, produced another certificate but were not selected.
- (ii) Aggrieved, the applicants have filed the present OA seeking the following reliefs:

“(a) allow the present Application;

(b) to declare the action of “non consideration of the Applicant’s application” by the respondent as illegal and arbitrary, passed in utter violation of the rules notified vide notification dated 01.10.2015 and article 14, 19(1)(g) and 21 of the constitution of India;



(c) direct the respondent no. 1 & 2 to reconsider the Application/documents (Experience Certificates) submitted the Applicant for the post Chemical Assistant in terms of the Rules of 2015 and Advertisement dated 24.09.2017;

(d) direct the respondent no. 1 & 2 to select and incorporate the name of the Applicant in the final list of candidates selected for the post of Chemical Assistant in terms of the Rules of 2015 and Advertisement dated 24.09.2017;

(e) direct the respondent no. 3 reconsider the name of the Applicant at belated stage and to absorb the Applicant on the post Chemical Assistant in terms of the Rules of 2015 and Advertisement dated 24.09.2017;

(f) issue such other directions or orders, as are deemed fit and necessary in the facts and circumstances of the present case.”

2. The grounds, as stated in broad and generic terms, on which the OAs have been filed, revolve around the submissions that:

(a) merely because their designation is mentioned as “Trainee Chemist”, it cannot be presumed that they were not on regular appointment. The fact of production of additional documents including appointment letter and pay slips from the organization of Ind-Swift Laboratories Limited has also been ignored.



(b) On leaving Ind-Swift Laboratories on 16.05.2015, the applicants found employment in Panacea Biotech w.e.f. 15.06.2016. Their services, then were informed vide letter dated 15.06.2016 along with letter dated 20.01.2017 (Annexure A/6 (Colly)). On leaving the said employment, the applicants were given an experience certificate for the period 15.06.2016 to 29.07.2017 and 15.06.2016 to 25.07.2017 respectively, for working as Executive - Chemistry Research.

3. It is the contention of the learned counsel for the applicants that despite this, the candidature of the applicants was rejected on the ground that they did not possess the necessary experience though they fulfill the conditions as stipulated in the Advertisement. Their academic qualifications were also not given due consideration. Further, the respondents failed to provide any explanation for rejecting their candidature and also rejected their request to give a written representation.

4. It has been submitted that the action of the respondents constitutes arbitrariness, non-application of mind and unreasonableness. Interim relief has been sought

by way of keeping one seat of Chemical Assistant reserved for the applicants.



5. The applicants have annexed copies of certain documents to support their contentions. The Respondent Nos. 1 and 2, in their counter replies have given the narrative of the basic facts of the present matter relating to the issuance of the Advertisement, essential qualifications and the selection procedure.

6. As regards the controversy agitated in the present OAs, it has been submitted by the respondents that no nature of experience was mentioned in the certificate issued by Ind-Swift Laboratories Limited and the applicants despite being given an opportunity to produce the same, failed to do so. Thus, the candidature of the applicants was cancelled as they did not have 2 years' experience in chemical analysis.

7. Sh. Suhail Malik, learned counsel appearing on behalf of the applicants, further elaborated on the contentions made in the application. It was forcefully argued that the respondents by not considering the applicants experience in the relevant field and by not providing them an opportunity to submit written

representation have caused grave injustice to them. Furthermore, the respondents did not even provide any reason for rejecting their candidature.



8. Sh. S.N. Verma, learned counsel appearing on behalf of the respondents argued that since the applicants did not have the requisite experience, their candidature could not be accepted.

9. We have carefully gone through the pleadings on record as also the arguments advanced by the learned counsel for the parties.

10. We find that despite the fact that the applicants had provided certificates in support of their claim for the required experience, the same were not considered. Even in the counter reply, there is no mention of the claim of the applicants regarding their experience of work with Panacea Biotech. Even with regards to their work in the Ind-Swift Laboratories Limited, no reasons have been provided as to why the same was disregarded for the purpose of computing the experience. The applicants have been denied the basic right of filing written representation. The action of the respondents, hence, is arbitrary and unreasonable and

the applicants have suffered because of the unjust manner in which they have been treated.



11. In view of the aforesaid, the OAs are allowed. The respondents shall take into account the experience of the applicants covered by both the certificates and in case the experience is more than 2 years, they shall issue order of appointment to the applicants, if they otherwise fulfill the requirements. They shall, however, be placed at the end of the list of the selected candidates and shall not be entitled to any arrears.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/