



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. Nos. 916/2020, 558/2020 & 3650/2015

**Date of C A V: 21.10.2020
Date of pronouncement: 02.12.2020**

(Through Video Conferencing)

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Ms Aradhana Johri, Member (A)**

OA No. 916/2020

N Solomon Raju
S/o Sh. N Danam
C/o Rewards
F-30, East Jyoti Nagar
Delhi-110093

Also at

1/6, Kalathur Layout
Jalahalli
Bangalore-560013
Karnataka

...Applicant

(By Advocate: Shri Robin Mazumdar, Shri Yogesh
Kumar Mahur and Shri Ankur Chibber)

VERSUS

1. Kendriya Vidyalaya Sangathan
Through Commissioner
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110014
2. Directorate General Resettlement
Through Director
Ministry of Defence
Government of India
West Block-IV, Rama Krishna Puram
New Delhi-110066
3. Directorate of Air Veterans
Through the Director
AIR HQ (SP)



SMC Building
Subroto Park
New Delhi-110010
Email: - dav@iaf.nic.in

....Respondents

(By Advocate: Shri Manjeet Singh Reen, Shri S Rajappa, Shri Acharya Santosh Prasad Chaurasiya, Shri S M Zulfiqar Alam and Ms Anupama Bansal)

OA No. 558/2020

Krishna Karayat (Aged 48 years), Group 'C'
S/o Thakur Singh Karayat
R/o Manas Vihar, Near Rainbow School,
Kusumkhera, Haldwani, Distt: Nainital,
Uttarakhand-263139

.....Applicant

Versus

1. Union of India
Through its Secretary,
Ministry of HRD,
North Block, New Delhi
2. Joint Commissioner (Admin)
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016
3. Asst. Commissioner (Admin)
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016

.....Respondents

OA No. 3650/2015

1. Yekabote Shankar
S/o Shri Y Eranna,
Aged 42 years,
R/o Qtr No. 38-F, Type-III,
CISF SSG,
Greater Noida, UP



2. Vinod Kumar Pandey
S/o Shri Bharat Pandey,
Aged 30 years,
R/o B-01/01, BSNL Quarters,
Distt.- Alto Porvorim,
North Goa-403521
 3. Vikas Kumar
S/o Shri Dhruv Lal Das,
Aged 37 years,
R/o Village- Budhudih,
PO- Bena, PS-Jamtara,
Distt.- Jamtara,
Jharkhand-815351
 4. Devendra Prajapati,
S/o Shri K L Prajapati,
Aged 35 years,
R/o Qtr No. 56, Road No. 7,
Andrews Ganj,
New Delhi-110049
 5. Inderpal
S/o Shri Satyavir Singh,
Aged 27 years,
R/o House No. 200,
Village- Surpura Kalan,
PO-Behal, Distt- Bhiwani,
Haryana
 6. Asit Kumar
S/o Late Shri Amarendra Kumar,
Aged 32 years,
R/o Indraprasth Colony,
Lichi Bagan, Ishakchak,
Bhagalpur,
Bihar
-Applicants

Versus

1. Union of India
Through Secretary,
Ministry of Human Resources and Development,
Shastry Bhawan,
New Delhi
2. The Commissioner,
Kendriya Vidyalaya Sangathan,



18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016

3. The Deputy Commissioner (Admn.)
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016
4. Sh. Shiv Karan,
R/o T-11/2, Staff Quarters
KV No. 1, Sadar Bazar Road,
Delhi Cantt-110010
5. Sh. Madho Ram Ojha,
R/o F-97, Street 81,
Mahavir Enclave-3,
Near Balaknath Temple,
New Delhi-110059
6. Sh. B.K. Thapliyal,
R/o C-219 (Ground Floor),
Opp.- Madhuban Mandir,
Delhi-110092
7. Sh. Jagmohan Singh,
R/o House No. 12-C,
Pocket-J,
Sheikh Sarai, Phase-II,
New Delhi-110017
8. Smt. Renu Verma,
R/o Kendriya Vidyalaya No. 1,
Air Force Station,
Sector-14 Delhi Road,
Gurgaon (Haryana)-122001
9. Neeraj Kumar Sharma,
R/o Raj Bahadur Ki Gali,
Basan Gate, Bharatpur,
Rajasthan-321001

....Respondents

Justice L.Narasimha Reddy, Chairman

In this batch of OAs similar questions of fact and law arise. Hence they are being disposed of through a common order.

2. The Kendriya Vidyalaya Sangathan (for short KVS), the respondents in all the OAs issued advertisement on 20.12.2017 for selection and appointment to the posts of (a) Assistant and (b) Upper Division Clerk. Reservation is also provided in favour of ex-servicemen. A written test was held for the post of Assistant on 22.02.2018, and for the post of UDC on 13.11.2018. The applicant in OA.916/2020 applied for both the posts and took part in the examinations. The applicants in other OAs applied for one post or the other and have taken part in the concerned examination. KVS rejected the candidature of the applicants on the ground that they did not have the prescribed nature and length of experience. For the post of Assistant, the requirement was that one should have experience of at least three years as Upper Division Clerk /Secretariat Assistant in the pay level-4as per 7th Central Pay Commission pay scales i.e. Rs.5200-20200 with Grade Pay of Rs.2400/- in any Central/State Government/Autonomous Body of Central/State

Government/Public Sector Undertaking. The stipulation for the post of UDC was that a candidate should have experience of three years in the post of Lower Division Clerk or Junior Secretariat Assistant in the pay level-2 as per 7th CPC /in the pay scale of Rs.5200-20200 with Grade Pay of Rs.1900/-in any Central/State Government/Autonomous Body of Central/State Government/Public Sector Undertaking.

3. The applicants contend that the experience gained by them in their respective organizations was inclusive of clerical duties and though a certification to that effect was given by the respective administrations, the respondents did not treat them as qualified. They contend that the action of the respondents is illegal, arbitrary and contrary to law.

4. On behalf of the respondents a detailed reply is filed. It is stated that the nature of duties in the KVS, particularly for the clerical cadre is typical and obviously for that reason the experience of three years in the immediately lower posts is insisted upon. They contend that the applicants were permitted to take part in the written test on the basis of the entries made by them in the application forms and it was only during the

course of verification of certificates, it emerged that they did not have the requisite experience to their credit.

5. We heard Sh. Robin Mazumdar, Sh. Yogesh Kumar Mahur and Sh. Ankur Chibber, learned counsel for the applicants and Sh. Manpreet Singh Reen, Sh. S. Rajappa, Sh. Acharya Santosh, Sh. Prasad Chaurasiya, Ms. Anupama Bansal and Sh. S. M. Zulfikar Alam, learned counsel for the respondents.

6. In the year 2017, the KVS initiated steps for selection and appointment to the posts of (a) Assistant (b) UDC. Though the advertisement was issued, the participation was confined to the candidates who had experience of three years /in the respective categories. To be precise the stipulation in para-10 of the advertisement and point no.23 of the instructions to the candidates, it is mentioned as under :

“Upper Division Clerk/ Senior Secretariat Assistant in the pay level-4 as per 7th CPC. In the pay scale of Rs.5200-20200 with Grade Pay of Rs.24400/- (pre-revised as per 6th CPC) having 3 years regular service in Central/ State Govt./ Autonomous Body of Central / State Govt. / Public Sector Undertaking are only eligible for the post of Assistant in KVS.”

7. Similarly for the post of UDC, the stipulation is para-10 of the advertisement and point No.24 of the general instructions to the candidates read as under :

"Lower Division Clerk/Junior Secretariat Assistant in the pay level-2 as per 7th CPC/in the Pay Scale of Rs.5200-20200 with Grade Pay of Rs.1900/- (pre-revised as per 6th CPC) having 3 years regular service in Central Govt./Autonomous Body of Central/ State Govt./Public Sector Undertaking are only eligible for the post of UDC in KVS."

8. From this it is evident that the requirement was that a candidate must hold the specific post of UDC/Senior Secretariat Assistant, if he intends to apply for the post of Assistant and the post of LDC or Secretariat Assistant, if the application is for the post of UDC. In addition to that, the pay band and the grade pay for the post in the feeder categories are also mentioned. In other words, the participation is confined to the existing Government employees with minimum of three years of service in the respective posts. There again, the mere description would not serve the purpose, unless the service was on regular basis as in the stipulated pay scales.

9. The applicants are ex-servicemen. Admittedly they did not hold the feeder category posts mentioned in the advertisement. However, they contend that while in service, they have been assigned the multiple duties which are also akin to the feeder categories mentioned in the advertisement. We have also perused the certificates issued by the administrations in favour of the applicants. What emerges from them is that at no point of time, the applicants have worked either as UDCs or LDCs. The particulars furnished in the certificates, at the most indicate that certain functions which are also assigned to PDCs in certain organizations were part of the job specifications of the applicants. However, it hardly becomes relevant. The KVS was very clear in its intention when it confined the participation in the process only to those who have minimum three years of experience in the feeder posts. The intention seems to be that they would have the benefit of the experience of the selected employees and it may not be necessary for them to impart training to them after selection and appointment.

10. Once it emerges that the applicant do not fit into the stipulation in the advertisement one cannot help. The KVS is an autonomous body and its activities are very specialised and

limited. When it wanted to select and appoint only those with experience in the specific posts, the Tribunal cannot widen the scope thereof by pointing out to a small similarity in the duties.

11. The plea of estoppel is also sought to be raised on the ground that the respondents permitted the applicant to take part in the examination. Obviously because the serving Government employees alone were permitted to apply, the entries made by the candidates as to the posts held by them were taken on their face value subject to verification, in case the candidate comes up to the level of selection. As a matter fact the applicants ought to have been to be careful while filling the application to mention whether they hold the posts of UDC or LDC as the case may be. The respect shown by the KVS to the candidates cannot be taken for granted. The appearance in the examination was always subject to the candidates fulfilling the requirement prescribed for the post.

12. We do not find any merit in the OAs and they are dismissed accordingly. There shall be no order as to costs.

(Annamalaiannan)
Member (Admin.)
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Justice L Narasimha Reddy
Chairman