

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



(Through Video Conferencing)

O.A. No.931/2020

M.A. No.31/2021

Tuesday, the 5th day of January, 2021

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Amit Maggu
(Aged about 35 years)
Scientist 'B', NTRO (Group 'A')
S/o Shri Ram Saran Maggu
R/o Flat No.333, BHEL Vinayak
Sec-62, Noida, U.P.

.. Applicant

(Through Mr. M.K. Bhardwaj, Advocate)

Versus

1. National Technical Research Organization
Through its Chairman
NTRO, Block-III
Old JNU Campus, New Delhi-110067.
2. Controller of Administration
NTRO, Block-III
Old JNU Campus, New Delhi-110067.
3. Director (Establishment)
NTRO, Block-III
Old JNU Campus, New Delhi-110067.

... Respondents

(Through Mr. Hanu Bhaskar, Advocate)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:-

The National Technical Research Organization (NTRO), the first respondent intended to select and appoint Scientist 'B' in the field of Information Technology and Computer Science. As part of that, they addressed a letter dated 14.12.2006 to the National Institute of Technology, Kurukshetra (for short 'Institute'). The Institute prepared a list of 13 candidates, which included the name of the applicant also. The interviews were conducted in January 2007. The applicant was selected and was issued offer of appointment on 14.08.2007. He joined the service on 17.08.2007 as Scientist 'B' and his probation was also declared, two years thereafter.

2. The applicant was issued a charged memo dated 28.05.2018. It was mentioned that the requirement for the post was minimum of first class in the Engineering Degree at the B. Tech level, whereas he did not possess the same. A detailed account of the manner in which the applicant represented about his qualifications and ultimately, what has emerged, was



furnished in the imputation. The applicant submitted his explanation denying the charge. Not satisfied with that, the Disciplinary Authority (DA) appointed the Inquiry Officer (IO). In his report dated 04.01.2019, the IO held the charge as not proved. The DA, however, issued a disagreement note on 11.02.2019. The applicant submitted his reply to the same. The DA has tentatively proposed the punishment of compulsory retirement against the applicant and forwarded the matter to the Union Public Service Commission for their advice. The latter, in turn, gave its advice on 06.11.2019. A copy thereof was made available to the applicant and he filed his reply on 16.03.2020. On a consideration of the reply submitted by the applicant, the DA passed an order dated 23.06.2020 imposing the punishment of compulsory retirement. The same is challenged in this O.A.

3. The applicant contends that he never made any misrepresentation to the respondents about his qualifications and everything was borne out by record. He contends that the originals of all the certificates were made available to the



appointing authority and there was absolutely no justification for initiating the disciplinary proceedings 14 years after he was appointed. He contends that the IO recorded a categorical finding on the charge, whereas the DA disagreed with the same, though there was no basis for it. Various other contentions are also urged.

4. The respondents filed a detailed counter affidavit. According to them, the basic requirement for the post was the first class in B. Tech., that too, in one attempt in each semester, whereas the applicant did not present his correct facts and figures at the time of selection. It is stated that the Institute furnished the information almost in an equivocal manner, and that, in turn, resulted in selection of the applicant. They contend that a detailed verification of the records was undertaken and it was only in the year 2017, that the mark-sheet of the applicant, on both sides, were available and on verification of the same, it emerged that the applicant secured only 58.6% marks aggregate in B. Tech., which is below the first class and accordingly, proceedings were initiated.



5. The respondents further submitted that the IO proceeded in a casual manner without properly verifying the record and accordingly, a detailed disagreement note was issued by the DA. They contend that once it emerged that the applicant did not possess the basic qualification, the appointment itself is vitiated and he has no right to continue in the post.

6. We heard Mr. M K Bhardwaj, learned counsel for applicant and Mr. Hanu Bhaskar, learned counsel for respondents, at length, through video conferencing.

7. The selection of the applicant was at a time, when he was yet to complete the B. Tech. Degree in the Institute at Kurukshetra. With a view to take up the campus selection, the first respondent addressed a letter to the Institute on 14.12.2006. The requirement mentioned therein was “at least First Class or equivalent upto the last semester or year, in the first attempt, for which results have been declared”. It is not uncommon that in certain Institutes, the evaluation is made on gradation basis and not in terms of marks or percentage. However, the formula is indicated for converting such gradations into the marks and corresponding percentage. It is



stated that while against 12 out of 13 candidates in the list furnished by the Institute, the percentage of marks was indicated, against the name of the applicant, it was mentioned as “current”. An attempt seems to have been made by the Selection Committee to know the purport thereof. However, they appear to have been convinced that there is no formula available for conversion of the Cumulative Grade Point Average (CGPA) of the applicant into percentage of marks and the CGPA awarded to him can be equated to First Class. It is nearly a decade thereafter, that the verification into the actual status of the qualification held by the applicant was undertaken. Before issuing the charge memo, the respondents required the applicant to submit the photocopies of mark-sheets. In compliance with the same, the applicant submitted them on 16.11.2017. The rear side of the mark-sheets contained a Note, which reads:

“The Percentage of marks obtained by a student be calculated as = CGPA multiplied by 9.00”



On application of this formula, it emerged that the percentage of marks for 8 semesters of the applicant is 58.6062. This is obviously less than 60%.

8. A genuine question may arise as to how the Selection Committee failed to take note of such a serious error. It has already been mentioned that the applicant is said to have not furnished the formula for conversion of CGPA into marks and even the Institute maintained a stoic silence about this. The selection took place and the applicant was appointed. Later on, it was noticed that the applicant did not fit into the basic requirement at all. It is fairly well known that NTRO is a highly sensitive and important organization and any lapse in the selection process into such an organization would have its own impact. Though the IO submitted his report holding that the charges are not proved, the disagreement note has indicated the reasons as to why the findings cannot be accepted.

9. The applicant was very much aware of the conversion formula, which was printed on the rear side of the mark-sheet. He feigned ignorance at the stage of selection as well as, when



notice was issued. The very inclusion of his name in the list of eligible candidates was turned out to be untenable. The perfunctory manner in which the selection took place is evident from the deposition of one of the members of the Selection Committee, who was examined as PW-3. To a specific question as to whether he verified the mark-sheets of the candidate during the campus interview in the NTRO, his answer was 'no'. Such a lapse should not have occurred into the selection process in an important organization, like NTRO.

10. The DA as well as the Union Public Service Commission have taken the entire record into account and came to the conclusion that the imposition of penalty of compulsory retirement would meet the ends of justice. We are not convinced to take any different view.

11. We do not find any merit in this O.A. It is accordingly dismissed.

12. M.A. No.31/2021 shall stand disposed of.

There shall be no order as to costs.



(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 5, 2021
/pj/sunil/jyoti/vb