

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA No. 2880/9

Date 15. 9. 92.

RAJBIR SINGH

...APPLICANT

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

Shri B.B. Raval, counsel for the applicant.

Shri M.K. Gupta, counsel for respondents 1 and 2

None for respondent no.3

CORAM:

Hon'ble Justice Shri Ram Pal Singh, Vice Chairman.

Hon'ble Shri P.C. Jain, Member (A).

JUDGEMENT

( DELIVERED BY HON'BLE JUSTICE SHRI RAM PAL SINGH

By this OA, filed under Section 19 of the Administrative Tribunal's Act of 1985, the applicant prays for a direction to the respondents to appoint the applicant on a regular basis to the post of Veterinary Compounder in consequence to the interview held on 26.7.1991.

2.. The applicant, according to him, passed his matriculation examination from the Central Board of Secondary Education, Delhi in the year 1978. He also completed the Certificate Course for one year in Artificial Insemination and Veterinary First Aid from National Dairy Research Institute, Krishi Vigyan Kendra and Trainers Training Centre, Karnal. The applicant also contends that he was employed from 10th March, 1982 to 20th December, 1988 as Veterinary Compounder

*Ram Lal*

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in Charitable Society named as Animal's Friend, Delhi. Thus, he wants to say that he acquired valuable experience while working to this Society. He got himself registered in the Directorate of Employment, New Delhi on 21st November, 1988. The applicant also contends that he worked as an Assistant Veterinary Officer in Lok Kalyan Samiti under Animal Husbandry Project located at Village Chakkarpur, District Gurgaon, under Rural Development Project. The applicant received a letter dated 4th June, 1991 from Administrative Officer, National Zoological Park, New Delhi that his name has been sponsored by the Employment Exchange for the post of Veterinary Compounder in the National Zoological Park, New Delhi and was asked to appear for an interview on 30.6.1991 along with documents of his qualifications. The said interview was cancelled by a telegram sent to the applicant. He received another letter dated 16.7.1991 to attend an interview on 26.7.1991. He was the only candidate in the interview. The interview was held but no appointment order was issued in favour of the applicant. Subsequently by letter dated 12.8.1991, the applicant was engaged at the rate of D.A. as daily paid labour /Rs.950/- plus /for 21 days w.e.f. 8.8.1991 to 30.8.1991. The applicant contends that Assistant Veterinary Officer was well satisfied with his performance while working on daily wages. According to him, he was again asked to appear in an interview to be held on 21.10.1991. Subsequently, respondents issued advertisements in various newspapers in the month of November, 1991 for holding a fresh interview. As he was not selected by the subsequent interview held after the advertisements, he has filed this OA with the above noted relief.

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*Ramnath*

3. On 3.12.1991, a Bench of this Tribunal while issuing notice to the respondents as an interim measure, directed the respondents to permit the applicant to remain working on daily wages for a period of 14 days. Respondents appeared and filed a short reply and then also filed their counter. The interim order continued. On 26.2.1992 after hearing the parties, the interim order passed earlier, was vacated. Respondents in their counter have contended that according to Rules, the essential qualifications for the post of Veterinary Compounder in National Zoological Park (Delhi Zoo) are that the candidates should possess a Veterinary Certificate from any recognised institute but the applicant did not possess such a certificate, they state, he held a certificate in Artificial Insemination and Veterinary First Aid. According to them, these two qualifications do not amount to possessing the Veterinary Certificate. They also contend that another requirement under the Rules is that the candidate should be between 18-25 years of age, while the applicant was born on 6.5.1961 and was over 30 years of age. Thus, the applicant was not eligible for being called in an interview for the post of Veterinary Compounder. They further contend that the post of Veterinary Compounder fell vacant on 1.8.1991. Hence, on their asking, the Employment Exchange has sponsored the names of one Mewa Singh and the applicant. The interview was to be held on 30.6.1991, when only applicant appeared for interview. The Selection Committee consisting of Dr. J.S. Desai, Dr. B.M. Arora and Shri T.B. Nair, examined the qualifications of the applicant and found him to be ineligible. It was then decided in consultation with the Government of India that the said post should be advertised in the newspapers to attract suitable and eligible

Ramdhari

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candidates. As this was likely to take time, the applicant was engaged on daily wage basis until the incumbent was regularly selected after the interview. The advertisement appeared on 24.9.1991 in the newspapers and 7 candidates applied. The Selection Committee consisting of Dr. Lal Krishan, Dr. C.K. Mondal and Shri D.B. Nair, did not find those 7 candidates, who had applied, suitable for the appointment/selection to the post of Veterinary Compounder. Hence that Selection Committee met on 21.10.1991 and screened total seven candidates including the applicant but none was found to be suitable. Hence under the instructions from Government of India, a fresh advertisement was made on 2.11.1991 (R II). In response to this advertisement, 50 candidates including the applicant applied for the said post. The applications were screened by Dr. P.K. Mallick of Wild Life Institute of India, Dehradoon and only 12 candidates were found suitable for interview, to be held on 30.12.1991. The Selection Committee consisting of Joint Director Wild Life and Environment, Veterinary Medical Superintendent and Assistant Commissioner, Animal Husbandry selected Mr. Vinod Kumar Kaushik as the successful candidate and other ineligible candidates were rejected. Thus, according to respondents, the applicant was not eligible according to Recruitment Rules for the post; he did not possess the requisite qualifications and was found to be overage. They have, thus, opposed the grant of the relief as prayed for by the applicant. We have perused the Rules, according to which the post of Veterinary Compounder requires educational qualification as matriculation or equivalent qualifications until replaced by higher secondary from the recognised institute possessing the Veterinary Certificate from any recognised institute. The rules also provide that two years experience in any Veterinary Hospital is also desirable. According to these Rules, the candidates should be between 18-25 years of age. We have on perusal of the record, found that the applicant was not between the age of 18-25 but was overaged.

*Lambh*

We also found that according to these Rules, the applicant did not hold any Veterinary Certificate from a recognised institute. The applicant possessed a Certificate in Artificial Insemination and Veterinary First Aid which does not amount to possessing a Veterinary Certificate of a recognised institute. The experience is only desirable. Hence, even if the applicant possessed the desirable experience, it does not mean that he possessed the requisite qualification as required by Rules. Hence, rejection of the candidature of the applicant by the Selection Committee for the post of Veterinary Compounder neither can be said to be arbitrary nor against the Rules. The applicant also did not fulfil the requirement in age as provided in the Rules. Thus, he was rightly found to be unsuitable for the job and rejection of his candidature by the Selection Committee appears to be correct.

4. The applicant seeks the direction to the respondents to appoint the applicant on regular basis in the post of Veterinary Compounder on the ground that he has worked on daily wage basis for quite some time. Such temporary appointments cannot be said to be regular and hence the prayer of the applicant on this ground can also not be granted because his appointment was purely on daily wages, on ad hoc basis and temporary in nature and the post was to be filled by regularly selected candidates according to Rules. Thus, this OA has no merit and it is dismissed with no order as to cost.

Dec 15/91/92  
( P.C. JAIN )

MEMBER (A)

Dec 15/91/92  
( RAM PAL SINGH )

VICE CHAIRMAN (J)