

Central Administrative Tribunal
Principal Bench

O.A. 2116/92

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New Delhi this the 18th day of February, 1998

Hon'ble Shri S.R. Adige, Vice Chairman(A).

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Rakesh Kumar,
Nursing Orderly, No. 1350,
Lok Nayak Jai Prakash Hospital,
New Delhi.

...Applicant.

By Advocate Smt. Avnish Ahlawat.

Versus

1. Delhi Administration through
the Chief Secretary,
Delhi Administration,
5, Alipur Road,
Shyam Nath Marg,
Delhi.
2. Senior Administrative Officer,
Maulana Azad Medical College,
Delhi Administration,
Delhi.

...Respondents.

By Advocate Shri Vijay Pandita.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved by the order passed by the respondents dated 7.3.1992 cancelling the offer of appointment to the post of Post Mortem Assistant (PMA).

2. Respondent 2 had invited applications from the staff working in the Medical Institutions of Delhi Administration for 4 posts of PMA, in the scale of Rs.975-1540 by the circular of 1987. The educational qualifications required were matriculate with two years

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experience in post mortem work with diploma in First Aid, and age was prescribed as 18-25 years, relaxable in the case of Government servants. On the basis of this circular, the applicant along with others had applied for the post of PMA. The applicant was working as Nursing Orderly w.e.f. 1.1.1983. He states that he has no diploma in First Aid but has a certificate given by the St. John Ambulance Association, Delhi Centre in First Aid. This is a certificate given after one week training. The applicant was called for interview before the Staff Selection Board on 26.3.1991 and he was asked to bring his certificates and testimonials in original. According to him, all the candidates who were appearing for interview had First-Aid Certificates ~~course~~ and no diploma in First-Aid. After the interview, he had received a letter dated 10.6.1991 informing him that he is being offered the post of PMA in the scale of Rs.975-1540 which he accepted. However, no posting orders were issued. To his reminders, he was informed that the matter was being examined in accordance with the Recruitment Rules and finally the impugned order dated 7.3.1992 cancelling the offer of appointment to the post of PMA was issued.

3. The learned counsel for the applicant has submitted that as the applicant had already been selected by the Staff Selection Board and an offer had been made, the same cannot be cancelled by the Senior Administrative Officer who had issued the impugned letter. She has submitted that as there was no diploma course in First-Aid, the cancellation letter was arbitrary and has been

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issued without following the principles of natural justice. In the circumstances, the applicant has prayed that a direction may be given to the respondents to complete the offer of appointment to the post of PMA with consequential benefits.

4. The respondents in their reply have submitted that the post of PMA is a selection post and the essential basic qualification was matriculate with two years experience in post mortem work and diploma in First-Aid. They have denied that the First-Aid course passed by the applicant is sufficient qualification according to the eligibility conditions. They have further stated that the applicant was called for interview along with others before the Staff Selection Board on 26.3.1991 but later when his certificates and testimonials were looked into, it was found that he only had a certificate issued by the St. John Ambulance Association in First-Aid which was not sufficient as he did not have a diploma in First-Aid. As the candidature of the applicant had to be considered with regard to the provisions of the Recruitment Rules after due examination, they have cancelled the offer of appointment as the applicant did not fulfil the prescribed qualifications. They have also submitted that 4 candidates who had similar qualifications were also not allowed to join ^{the} posts. They have also submitted that the Staff Selection Board had approved the appointment of the applicant subject to his production of the necessary educational qualifications, including diploma in First-Aid. In the circumstances, they have submitted that

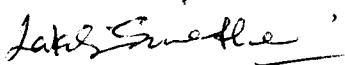
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since the applicant did not fulfil the educational qualifications as required in the recruitment rules, the offer of appointment has been cancelled.

5. We have carefully considered the averments and the submissions made by the learned counsel. We find that the stand taken by the respondents is legally in order and in accordance with the rules as, admittedly, the applicant has only ~~possessed~~ ^{obtained} a certificate in First-Aid given by the St. John Ambulance Association and did not possess a diploma in First-Aid. The learned counsel for the applicant has submitted that there was no First-Aid diploma course conducted in any institution/ ^{of Delhi} which has been denied by the respondents. In the absence of materials on record, we are unable to accept the contention of the applicant to this effect. In view of the fact that the applicant did not have the diploma in First-Aid which was an essential requirement under the recruitment rules for appointment to the post of PMA, we find no merit in this application. The fact that the Staff Selection Board had provisionally selected him subject to verification of his educational qualifications also does not give him any right for appointment to the post of PMA without fulfilling the required educational qualifications prescribed in the rules. In the circumstances, the principles of natural justice do not apply.

6. For the reasons given above, the application fails and is dismissed. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member(J)


(S.R. Adige)
Vice Chairman(A)

'SRD'