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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

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Date of Decision: 01.03.93.

OA 706/92

SMT. CHANDRAWATI

... APPLICANT.

Vs.

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

HON'BLE SHRI J.P. SHARMA, MEMBER (J).

HON'BLE SHRI S.R. ADIGE, MEMBER (A).

For the Applicants

... SHRI S.C. LUTHRA.

For the Respondents

... SHRI R.K. SEHGAL,
Head Clerk,
Departmental representative.

J U D G E M E N T (ORAL)

Smt. Chandrawati is a Scheduled Caste candidate and was offered an appointment to the post of Safaiwali after being selected by the Board, held on 3.6.91 and was issued an offer of appointment dt. 19.6.91 (Annexure A-1). The applicant, on 14.5.91, by letter (Annexure A-2) has been asked to furnish a certificate to the effect that she belongs to SC community. However, she could not furnish a proper certificate and in view of this she could not be appointed in spite of appointment letter dated 19.6.91.

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has

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assailed for non-appointment and for the direction to the respondents that she be allowed to join as Safaiwali from the date of which she produced the SC certificate.

The respondents contested the application and stated that the applicant was not allowed to join the duties as she did not submit a proper SC certificate under the Extent Rules. She was directed to produce a certificate to that effect by the Dy. Commissioner of SC/ST. When she obtained this certificate, she crossed the age of 30 years and has become overage by four months even after giving her the benefit of five years service as a SC candidate.

We have heard the learned counsel for the applicant and Shri R.K. Sehgal, Head Clerk, departmental representative for the respondents. It is evident from the record that at the time when the applicant was issued offer of appointment dated 19.6.91, she possesses all the eligibility qualification even regarding the age. In fact, the certificate that she belongs to SC had not been obtained from the Dy. Commissioner of SC/ST, as was required under the rules. The said certificate has since been obtained and a copy thereof has been annexed as Annexure A-4, which is dt. 20.11.91. The main objection of the respondents is that she has become overage. Even if this contention is accepted then four months period has

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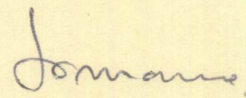
lapsed because of non-issue of proper certificate by the prescribed authority. It is not the case of the respondents that she does not belong to S. community. When it is a fact fully established then a delay of four months, as in the present case, should not de^{her on de}bar ^{was} the principals of natural justice. The joining of the applicant on the basis of offer of appointment properly issued by the respondents on 19.6.91.

However, the request of the applicant that she should be given appointment w.e.f. November, 1991 cannot be accepted.

The application, therefore, is partly allowed with the direction to the respondents that the applicant may be given appointment within a period of two months from the date of receipt of a copy of this judgement and the applicant shall be entitled to claim salary and wages and all other benefits from the date she joins duty.

Under the circumstances, the parties to bear their own costs.


(S.R. ADIGA)
MEMBER (A)


(J.P. SHARMA) 1.3.93
MEMBER (J)