

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

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O.A.No.1186/93

New Delhi this the 4th Day of November, 1993.

HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A)

Smt. Ved Wati  
Wife of Late Shri Madan Lal-III  
Resident of Village & Post Office  
Bharthal, New Delhi-110061. Petitioner

(By Advocate Shri Sant Lal)

versus

1. Union of India,  
through the Secretary,  
Ministry of Communications,  
Department of Posts,  
Dak Bhawan, New Delhi-110001.
2. The Postmaster General,  
Haryana Circle,  
Ambala Cantt.-133001.
3. The Sr. Superintendent of Post Offices,  
Gurgaon Division, Gurgaon-122001.
4. Smt. Sbhadra Khurana,  
Principal, J.D.A. Inter College,  
Purani Mandi, Saharanpur(UP).

(By Advocate Sh. M.L. Verma)

ORDER(ORAL)

The applicant Smt. Ved Wati is the widow of late Shri Madan Lal-III who was employed in R.M.S. under the administrative control of Superintendent RMS 'D' Division, New Delhi and died on 28.8.1989. She was given an appointment on compassionate ground by the Postmaster General, Haryana Circle, Ambala on 5.3.1991. She was ultimately adjusted under Postmaster, Gurgaon. Her difficulty arose with the submission of the transfer certificate dated 10.7.1963 issued by her School to the Postmaster Gurgaon. She was informed that her School certificate had not been verified by the Headmaster of the concerned school. She submitted a representation stating that she had studied in the J.D.A. Jr. High

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School Saharanpur for 8 years from 1955-56 to 1962-63 (Class-I to VIII) as a regular student. A copy of the group photo of School Teachers and students of her class was submitted by her. She also offered to help in a proper enquiry. However, the Sr. Superintendent of Post Office, Gurgaon Division vide impugned letter dated 4.6.1992 gave orders for termination of her services and she was relieved on 4.6.1992. A representation was submitted to P.M.G. Ambala on 21.9.1992 to which no reply was received. The applicant had prayed for setting aside the impugned orders related to termination of her services, namely, Annexures A-1 to A-3 dated 5.6.1992, 11.8.1992 and 17.3.1993 and to direct the respondents to reinstate the applicant in service forthwith and treat her as on continuous service in Group 'D' cadre on regular basis on compassionate ground w.e.f. 27.2.1992 afternoon i.e. the date when she joined the duty in Gurgaon office.

Counter-affidavit has been filed in which the main averments made are these. The appointment order given to the applicant on 10.6.1991 was subject to the condition that all necessary formalities were completed before she was given the regular appointment. The original certificates of educational qualification were to be obtained and checked. Her original certificate of educational qualification was sent to the Sr. Supdt. of Post Office, Gurgaon who in turn requested the Sr. Postmaster Saharanpur for arranging its verification through the Public Works Inspector. During the pendency

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of this verification the applicant was allowed to join under Postmaster General Gurgaon purely on temporary and provisional basis. The PRI(P) contacted the Principal J.D.Arya Kanya Higher Secondary School, Saharanpur on 23.04.92 and enquired about the certificate of educational qualification of the applicant. The Principal has mentioned in her written report dated 23.4.92 that the Registration No.895 mentioned in the certificate produced for verification was related to some other candidate, namely, Kamla Rani Sharma daughter of Shri Daulat Ram Pardeshi whose transfer certificate was issued on 09.07.1962. No certificate was issued in the name of the applicant.

Heard the learned counsel for the applicant. The recruitment rules notified on 28.10.1970 did not prescribe any educational qualification for the Peon working in subordinate offices and only indicate primary school as a desirable qualification. It has been argued that there was no reason for the applicant to claim having passed 8th standard. ~~and~~ <sup>AN</sup> On the other hand we find from the language of the appointment order dated 25.3.92 that (Annexure A-9) it was provisional and the services of the applicant were likely to be terminated at any time without assigning any reason. It is also mentioned in the counter that the fact that the educational qualifications were not verified by the Principal was brought to the notice of the applicant who submitted a representation thereafter.

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Taking all the facts into account, we hold that in this case the applicant must be given another opportunity to prove the genuineness of her educational qualification. We, therefore, direct the Respondent No.3, the Sr. Superintendent of Post Offices, Gurgaon Division, Gurgaon to arrange for a proper enquiry to be conducted in association with Respondent No.4 the Principal Smt. Subhadra Khurana, J.D.A. Inter College, Purani Mandi, Saharanpur to verify the claims of the applicant. If on such an enquiry it is found that the certificate produced by her was genuine, the impugned orders dated 4.6.92, 11.8.92 and 7.3.1993 shall be set aside and she will be reinstated in service with retrospective effect from 5.6.1992. Such an enquiry shall be completed within four weeks of the communication of this order.

As this is a case of compassionate appointment and as no education qualifications have been prescribed for the post, it will be in the interest of justice if while the enquiry is pending, the applicant be reengaged on provisional basis. We, therefore, direct Respondent No.3 to re-engage the applicant on the post of a Peon with immediate effect.

The application is disposed of with the above observations finally. No costs.

*B.N. Dhundiyal*  
(B.N. Dhundiyal) 1/1/1993

Member(A)

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