

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA No. 879/93 .. Date of decision: 15.07.93

Sh. Gulab Chand Goel .. Applicant

Verus

Union of India .. Respondents

CORAM

Hon`ble Sh. J.P. Sharma, Member (J)

Hon`ble Sh. N.K. Verma, Member (A)

For the applicant .. Sh. R. Dayal, Counsel

For the respondents .. Ms. Pratima Mittal, Proxy

Counsel for Sh. K.C. Mittal,

Counsel.

JUDGEMENT (Oral)

(Delivered by Hon`ble Sh. J.P. Sharma, Member (J)

In this application, the applicant is aggrieved by notice of termination from service dated 30.03.93 by which the applicant was informed that one month after the date of the service of the notice, the services of the applicant shall be terminated as Extra Departmental Stamp Vendor, Hauz Kaji Post office, Delhi-6. He has prayed for the grant of relief that the respondents be directed to withdraw the aforesaid notice dated 30.3.93.

A notice was issued to the respondents to contest the applicant and filing the counter reply. Applicant has also

(6)

filed the rejoinder to the counter reply. It has been argued by the learned counsel for the applicant that the services of the applicant has been terminated arbitrarily though he has an occasion to work earlier also on different posts of Class IV as part time worker. His name was sponsored by the Employment Exchange and he was appointed Extra Departmental Stamp Vendor vide order dated 8.3.92.

The case of the respondents is that the applicant does not possess the eligible requisite educational qualifications as per the recruitment rules for the post of Extra Departmental Stamp Vendor. The person eligible to be appointed should be having an educational standard upto Class VI. The applicant at the time of his appointment did not furnish any documentary proof that he has cleared Class VI. In their reply, the respondents have stated that the educational qualification of the applicant is only upto 3rd standard. On the perusal of the record, we find that the applicant has filed an affidavit alongwith the rejoinder. In Para 2 of the affidavit, the sworn on the personal knowledge of the applicant, reads as under :

"That I have passed the VIth Clas Examination privately."

However, another annexure to the said rejoinder goes to show that the applicant was a regular student in Basic Primary Padsala, Bulandsahar, U.P. and he entered in the Institute on 18.7.79 and passed class VI in May 1980, then again joined Class VII in May 80 and left the institute in

Dec. 80. These two documents, therefore, are not in line with each other. One of them, therefore, falls sort of reliance and may be said to be untrue. Thus, the applicant could not make out a case that he possess the eligible requisite qualification of education upto Class VI standard.

In view of the above facts and circumstances, we do not interfere with the notice dated 31.3.93 by which the services of the applicant has been terminated on account of his not being eligible for appointment to the said post.

There shall be no order as to costs.

N. K. Verma
(N. K. Verma) 15.7.1993
Member (A)

J. P. Sharma
(J. P. Sharma) 15.7
Member (J)