

**Central Administrative Tribunal
Lucknow Bench, Lucknow**



OA No.596 of 2019

Date of reserving for orders: 14.07.2020

Date of Order: This the 7th day of August, 2020.

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. Mukhopadhyaya, Member (A)**

Anupam Verma, aged about 28 yrs, S/o Jagat
Narayan Verma, R/o Village Bhoumou,
Post Asoha District, Unnao-209 859. .. Applicant

(By Advocate: Mr. Anupam Verma, Applicant-in-Person)

Versus

1. Union of India through Secretary, M/o Civil Aviation,
Rajiv Gandhi Bhawan, Safdarjung Airport,
New Delhi-110 003.
2. Chairman, Indira Gandhi Rashtriya Udan Society,
B-Wing Rajiv Gandhi Bhawan, Safdarjung Airport,
New Delhi-110 003.
3. Director, Indira Gandhi Rashtriya Udaan Academy
Fursatganj Airport Amethi-229307.
4. Shri Nalin Tondon, Director (Additional Charge),
Indira Gandhi Rashtriya Udaan Academy,
Fursatganj Airport Amethi-229307.
5. Shri Sandeep Puri (Retd & Illegally appointed
Administrative Officer) sone of late Hardev Puri,
R/o Indira Gandhi Rashtriya Udan Academy's Colony,
Fursatganj District Amethi-229302.



Shri Sachin Tandon (Retd.), Account Officer,
IGRUA, fursatganj Airport Amethi-229307.

7. Shri Chandra Prakash Randev, aged about 70 yrs,
Purported Manager HR, IGRUA, Fursatganj,
District Amethi-229 302.

8. Shri Sanjay Bisaria purported Aircraft Radio Maintenance
Engineer, Indira Gandhi Rashtriya Academi, Fursatganj
District Amethi-229302.

.. Respondents/Opposite Party

(By Advocate: Mr.Yogesh Chandra Bhatt, Counsel for the Respondents)

: ORDER :

By Mr.Justice L. Narasimha Reddy, Chairman

Rarely, we come across an instance of an youngster wasting his energies and resources for unproductive purposes as did the applicant in this OA. We are sure that had he maintained some restraint, discipline and decorum, he would have certainly achieved tangible results in some field or the other.

2. The manner in which he targeted if not harassed, the Indira Gandhi Rashtriya Uran Akademi (for short "the Akademi"), the 3rd respondent herein, and its senior officials, is indeed shocking.



3. The 3rd respondent, an Akademi under the Ministry of Civil Aviation, was established for the purpose of training Trainee Pilots. It has issued an advertisement on 26.06.2018 for selection and appointment to the post of Administrative Officer. The educational qualifications prescribed for the post are, a Bachelor's Degree and experience of 12 years in handling administrative secretarial work in Government/Autonomous Bodies. Another requirement is that the candidate must possess knowledge of accounting software such as Tally etc.,. The applicant responded to the Advertisement. Complaining that the very issuance of the advertisement was contrary to the relevant rules, the applicant filed O.A.No.277 of 2018. He has also pleaded that certain functionaries in the 3rd respondent Akademi, were not competent or were not properly appointed and that the whole process is vitiated.

4. The respondents entered appearance in OA.No.277/2018 and contested the same. During the pendency of the OA, the respondents have given up the earlier advertisement and issued fresh one on 05.12.2018, for the same post. The applicant responded to this



advertisement also. He is said to have participated in the written test and interview. One Mr.Sandeep Puri, the 5th respondent, was selected and appointed as Administrative Officer. This OA is filed with a prayer to quash the appointment of the 5th respondent as Administrative Officer and to direct the 3rd respondent to appoint the applicant to that post.

5. The principal grounds urged by the applicant are that –

- (a) the 5th respondent has crossed the age limit;
- (b) the 3rd respondent did not implement reservations in favour of the Scheduled Caste candidates;
- (c) the Director of the 3rd respondent Akademi was holding only additional charge; and
- (d) the constitution of the selection committee was improper inasmuch as no person belonging to SC category was made part of it.

6. The applicant had made several allegations and raised various pleas, touching the very functioning of the 3rd respondent Akademi.



9. We heard the applicant, who argued the case in person, and Shri Yogesh Chandra Bhatt, learned counsel appearing for the Respondents.

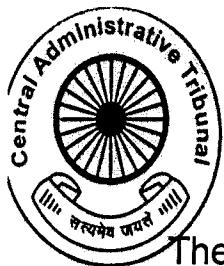
10. It is not uncommon that a person, who applies for a post, institutes proceedings in case he is not selected, particularly when he feels that he is superior in all respects, to the selected candidates. In such matters, the consideration starts from the verification of the basic requirements prescribed for the post, and the qualifications held by the concerned candidate.

11. The 3rd respondent is a highly specialized Institution and imparts training for candidates leading to issuance of licence of Commercial Pilot. Obviously, for that reason, they wanted a person with 12 years of experience in handling administrative secretarial work for the post of Administrative Officer. The relevant column in the advertisement reads as under:

"Experience"

Experience of 12 years in handling of administrative Secretarial work in Government/autonomous bodies"

[Handwritten signature/initials]



The applicant did not even state that he has the experience of 12 years in handling administrative secretarial work in Government/Autonomous Bodies.

12. Though the applicant did not mention his background, the respondents have stated that till December 2016, he was a Trainee as Commercial Pilot and that was terminated on 15.12.2016. The qualifications mentioned by him in the application for the Trainee are only Pass in Intermediate. The respondents stated and the applicant did not deny that even while undergoing training in the Institution, he got admission into LLB course and completed the same. In his application to the post of Administrative Officer, against column of Experience, the applicant has stated "more than 4 years". On the face of it, the applicant was not eligible to be included in the list of qualifying candidates at all. However, the 3rd respondent has rich experience with the applicant on account of the fact that he instituted more than 10 proceedings before one forum or the other against them. Obviously, to avoid another such round, they issued a call letter to him.



16. Reservation is an aspect, which precedes the selection process. Knowing fully well that there is no reservation to the post of Administrative Officer, the applicant responded to the advertisement. It is not open to him to raise the grounds. Even otherwise, Article 16 (4) is only an enabling provision and much would depend upon the nature of posts, the extent of representation of various categories in an organisation etc.,. Even where reservation is otherwise implemented, it is not followed in respect of isolated posts.

17. The plea as regards the competence of the Director is equally untenable. After the posts became vacant, the Board of Directors of the Akademi, have kept an officer as additional charge with the approval of the Ministry of Civil Aviation. Apart from that the principle of estoppels comes into play. When the applicant has responded to the advertisement issued with the approval of the very officer holding the additional charge of Director of the 3rd respondent Akademi, it is not open to him to raise the grounds.



18. So far as the allegation as to the constitution of the selection committee is concerned, except placing reliance upon an office memorandum, the applicant is not able to draw our attention to any specific provision of law that mandates inclusion of candidates who belong to SC category. At any rate, for a specialized post, of the nature of Administrative Officer in the 3rd respondent Akademi, one has to go by the relevant provisions of law and not by an unrelated office memorandum.

19. In their counter affidavit raising preliminary objection, the respondents have mentioned that the applicant has instituted a dozen proceedings that include Writ Petitions Civil and Criminal, and Contempt cases etc.,. It was also mentioned that the Hon'ble Allahabad High Court passed strictures against the applicant in W.P.No.14227/2017.



20. Before parting with the case, we hope that the applicant would at least now onwards desist from indulging in acts of harassing an organization like the 3rd respondent and would make efforts to build his career. But, for the fact that he is now said to be a practising Advocate, we would have considered the feasibility of imposing heavy costs for initiating such frivolous litigation.

21. The OA is accordingly dismissed. There shall be no order as to costs.

(A. Mukhopadhyaya)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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