

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1422 OF 1999

ALLAHABAD, THIS THE 13th DAY OF JANUARY, 2005

HON'BLE MR. V. K. MAJOTRA, VICE-CHAIRMAN
HON'BLE MR. A. K. BHATNAGAR, MEMBER (J)

Shri Chandra Mohan Chhabra,
son of Shri Desh Raj Chhabra,
Ward No.4, Near Police Station Gadarpur,
District-Udham Singh Nagar.

....Applicant

(By Advocate : Shri Vinod Kumar
S.K. Srivastava)

V E R S U S

- 1. Union of India through the Deputy Director,
Navodaya Vidyalaya Samiti (L. R.),
Lucknow.
- 2. The Principal, Jawahar Navodaya Vidyalaya,
Rudrapur, District-Udham Singh Nagar.

....Respondents

(By Advocate : Shri N.P. Singh)

O R D E R

By Hon'ble Mr. V.K. Majotra, V.C.

Applicant is aggrieved that although the selection committee had recommended him for appointment on the post of Electrician-cum-Plumber vide its meeting dated 18.12.98, Respondents have not appointed him as such. Learned counsel of the applicant stated that applicant has been working on the same post on ad-hoc basis since 1994 yet despite his 11 years experience as Electrician-cum-Plumber on ad-hoc basis respondents have not appointed him as such while the selection committee had also recommended his appointment.

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Learned counsel further submitted that applicant possess all essential qualifications of the post and having experience for 11 years on the post has acquired preferential right for regular appointment on the post.

2. On the other hand respondents counsel drawing our attention to the essential qualifications prescribed as per Navodaya Vidyalaya Samiti Recruitment (Revised) Rules 1995 notified on 22.06.1995. Learned counsel maintained that the applicant does not possess the essential qualifications for the post. He contended that the applicant possess proof a diploma course of wireman (Annexure-5) while essential qualifications includes a certificate course in the trade of electrician from Central/State Industrial Training Institute or equivalent or Vocational Certificate at + 2 level in the electrical trade from Central/State Education Board. Admittedly the applicant has the desirable qualifications of 2 years experience in handling electrical/plumbing jobs. Learned counsel maintained as applicant does not possess the essential qualifications, he is not eligible for appointment on the post of Electrical-cum-Plumber.

3. We have considered the respective contentions of the parties and also perused the material on record.

4. There is no dispute about the desirable qualifications of 2 years experience in handling electrical/plumbing jobs. The dispute is basically as regards the essential qualifications. The essential qualifications prescribed in the revised recruitment Rules 1995 reads as follows:-

"ESSENTIAL"

i. 10th class pass

ii. Certificate course in the trade of electrician from a Central/State Industrial

lh

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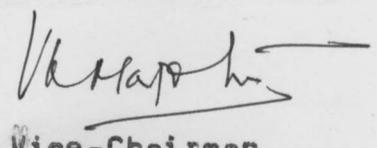
Training Institute or equivalent

OR

Vocational Certificate at + 2 level in
electrical Trade from Central/State Education
Board."

5. Admittedly, as per Annexure-5 applicant is qualified in the wireman Training Course. No proof has been furnished on behalf of the applicant regarding applicant's certificate course in the trade of electrician or vocational certificate at + 2 level in electrical trade as prescribed in the Rules. Even though the applicant has long experience of holding the post on ad-hoc basis, he does not possess the prescribed essential qualifications as such. The respondents have not committed any illegality in not accepting the recommendation of the selection committee favouring the applicant for appointment on the post of Electrician-cum-Plumber. In result the O.A. is liable for dismissal being devoid of merit. Dismissed accordingly. No order as to costs.

Member (J)


Vice-Chairman

13.1.05

shukla/-