

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.1093/1996

Date of Order: 05.10.2004

PRESENT: HON'BLE MR. SARWESHWAR JHA, MEMBER (A)
HON'BLE MR. M.K. GUPTA, MEMBER (J)

Susanta Kumar Naskar,
S/o Late Sri Satyendra Nath Naskar,
Aged about 26 years, unemployed,
At present residing at Teurhat, PO:L Nabagram,
P.S. Baruipur, Distt: 24-Parganas(S)

..... Applicant

Versus

1. Union of India, service through
The Secretary, Ministry of Finance,
Government of India, New Delhi-1
2. Chief Commissioner of Income Tax : Calcutta
Aayakar Bhavan, P.7. Chowringhee Square,
Calcutta - 69
3. Income Tax Officer, Establishment II,
Income Tax Dept., West Bengal,
Aayakar Bhavan,
P.7 Chowringheee Square,
Calcutta - 69

..... Respondents

For the Applicant : Mr. B.C. Sinha, Counsel

For the Respondents : None.

O R D E R

PER SARWESHWAR JHA, A.M. :

Heard the learned counsel for the applicant. None is present on behalf of the respondents and, therefore, we proceed in the matter under Rule 16 of the CAT(Procedure)Rules, 1987.

2. The applicant has impugned the letter dated the 30th August, 1995 (received on 10.09.1996) issued by the Income Tax Officer, Establishment Section, Calcutta cancelling his candidature for the post of Chowkidar and accordingly has prayed that the respondents be directed to give him appointment to the said post for which he had already been interviewed and found fit.



3. The applicant has claimed that he had been sponsored by SREE North Calcutta for recruitment to the post of Chowkidar in the Income Tax Department, West Bengal in the scale of pay of Rs.750-940/- plus usual allowances in response to the letter of the Income Tax Officer dated 08.11.1993 and was directed to appear before the Selection Committee for viva voce on 02.12.1993 in the Office of the Chief Commissioner of Income Tax, Calcutta. He filled the application form with attested copies of the Certificates in respect of his educational qualification, age, caste, etc. on 02.12.1993 when he had been called for viva voce test. He had annexed the Employment Exchange Identity Card on the same date. He also filled the Attestation Form.

4. The applicant was, however, asked to clarify the discrepancy in the date of his birth vide letter vide I.T.O. (Estt.) II's letter dated 23.03.1994. In reply, he clarified that his actual date of birth was 20.07.1970, in support of which he submitted a copy of the School Certificate. The respondents, however, informed him vide their letter dated the 30th August, 1995 (the impugned letter), while cancelling his ~~certificate~~, candidature for the said post, that, on enquiry from the Head Master of the High School from where he claimed to have passed his School Examination, was found to be a fake one. The applicant has submitted that he was never a student of Bhanru Jr. High School; instead he was a student of Dewanganj A.K. High School and this position was explained to the concerned authorities in the representation of his mother, as received by the authorities on 09.02.1996. It is observed that the responsibility for the error has been put on the Employment Exchange. Necessary clarification in this regard has been given by the applicant in paragraph 4.6 of the OA. His



mother's representation in this regard was also endorsed to the Minister of State for Finance (R&E) and who sent the same to the concerned authorities for consideration.

5. The respondents, in their reply, have, however, denied the statements which have been made by the applicant in the OA and have confirmed that the certificate as produced by him at the time of viva voce showed his date of birth as 20.07.1970. The said Certificate had been issued by Dewanganj High School contrary to what has been furnished by the Employment Exchange, which had showed the date of birth of the applicant as 27.12.1964 and the School issuing the said Certificate as Bhanru Junior High School. The Sub-Regional Employment Exchange, North Calcutta was asked to clarify the discrepancy in the date of birth in regard to the applicant and they, on scrutiny of their office record, have confirmed that the candidate had produced School Certificate of Bhanru Junior High School and the date of birth recorded therein was 24.12.1964. The Employment Exchange has further confirmed that the date of the applicant at the time of registration was approximately 14 years which was required by them in respect of a new registrant. Accordingly, they have concluded that the date of birth of 20.07.1970 as per the new School Certificate produced by the applicant before the respondents, therefore, appears to be a fake one. To prove the point, it has been argued that if the date of birth of 20.07.1970 as subsequently given by the applicant is to be believed, it would mean that his age at the time of registration with the Employment Exchange was 8 years, which was against the norms of the Employment Exchange. Some more light has been thrown on the genuineness or otherwise of the information furnished by the applicant in paragraph 8 of the reply of the respondents. In substance, the respondents have concluded that the applicant perhaps got himself

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registered with the Employment Exchange by using a fake Certificate and the same could not be explained by him despite having been given sufficient time and opportunity; they were left with no choice but to cancel his candidature after allowing him 17 months' time.

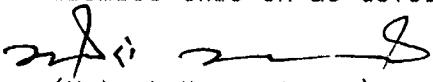
6. A reference made by the learned counsel for the applicant to the Synopsis of Instructions on Employment Exchange Procedure (August 1988), particularly to the provisions regarding under age registration could not be appreciated, as it was not found to be relevant to the point in question.

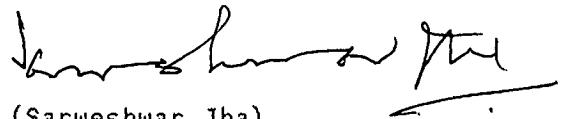
7. On closer examination of the facts as submitted by both the parties, it is thus observed that the applicant, who applied for his appointment to the post of Chowkidar in the year 1993, could not satisfy the authorities concerned about the genuineness of the Certificate that had been produced by him in support of his date of birth. The Employment Exchange authorities sponsoring the candidate also have confirmed that the date of birth of the applicant is based on the Certificate issued by the School, i.e., Bhanru Junior High School. The said information appears to have been modified by the applicant subsequently at the time of verification of the Certificate by the respondents by furnishing another Certificate from another School, which further disputes the possible age of the applicant at the time of registration with the Employment Exchange. Basis of consideration of the candidature of the applicant is the fact that he had been sponsored by the Employment Exchange in response to the requisition as sent by the respondents. To doubt the particulars as furnished by the Employment Exchange in regard to the applicant would, therefore, not be correct. It would also be difficult to

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accept the subsequent date of birth given by the applicant if we go by the norms in regard to age as prescribed by the Employment Exchange for a new registrant. Accordingly, the case of the applicant appears to be lacking in merit.

8. Under these circumstances, we are constrained to dismiss this OA as devoid of merit. No costs.


(Mukesh Kumar Gupta)
Member (J)


(Sarweshwar Jha)
Member (A)

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