

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

OA No.393/2013

MA No.202/2013

Jodhpur, this the 25<sup>th</sup> day of April, 2014

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Member (Judicial)

Hon'ble Ms Meenakshi Hooja, Member (Administrative)

Zakir Hussain s/o late Shri Dildar Khan (Post-Teacher Grade-II), aged about 34 years b/c Muslim, r/o House no. 656, Gali No.2, Sarvodaya Basti, District Bikaner, Rajasthan

.....Applicant

By Advocate: Mr. R.S.Saluja

**Versus**

1. Union of India through the General Manager, Northern Western Railway, Jaipur
2. Chief Manager, Workshop, Northern Western Railway, Bikaner.

.....Respondents

By Advocate :Mr. Salil Trivedi

ORDER (ORAL)

Per Justice K.C.Joshi, M(J)

The applicant has filed Misc. Application No. 202/2013 for condonation of delay in filing the present OA. After considering the grounds taken in the Misc. Application, the same is allowed.

2. The OA has been filed by the applicant against denial of appointment on compassionate grounds vide order dated 3.2.2011 (Ann.A/1) and the applicant has prayed that the respondents may be directed to consider the report of the District Education Officer and

provide appointment to the applicant on compassionate grounds. It has been further prayed that the respondents may be directed to refer the matter of verification of educational qualification to DEO, Secondary Education, Bikaner alongwith letter dated 7.8.2008 and 4.8.2009 to clarify the position.

3. Brief facts of the case, as stated by the applicant, are that the father of the applicant was working on the post of Teacher (sic Technician) Grade-II who died on 28.3.2007. After death of his father, the applicant submitted application for appointment on compassionate grounds under the provisions of the Railway Department. The respondent No.2 informed the applicant that the certificate of education enclosed with the application was not verified by the District Director, Education (Secondary) Bikaner, therefore, in lack of verification, it is not possible to process the matter further and the same is being closed. The respondent No.2 also sent letter to the District Director, Education (Secondary), Bikaner for verification of Transfer Certificate and it was found correct. Thereafter the Chief Manager Workshop, North Western Railway, Bikaner vide letter 3.2.2011 informed the applicant about refusal of giving appointment due to doubtful school Transfer Certificate. It is stated by the applicant that he has sought information under RTI Act, from the District Education Officer, Secondary Education, Bikaner which transpires that the railway authorities have not thoroughly examined the school leaving certificate of the applicant and by misconception they have reached to the conclusion that school leaving certificate was doubtful.

Therefore, aggrieved with the action of the respondents, the applicant has filed this OA.

4. By way of reply to the OA, the respondents have submitted that father of the applicant was working as Technician Gr. II (Fitter), Ticket No.3844 in the Workshop, Lalgarh (Bikaner) and was not working as Teacher. The respondents have further submitted that the respondents so as to verify the educational certificate i.e. T.C. investigated the matter from the District Education Officer (Secondary), Bikaner and it was reported by the D.E.O. vide its letter dated 4.6.2009 that the Transfer Certificate of the applicant is a suspicious (doubtful) document, accordingly, after receiving such information during investigation by the D.E.O., the request of the applicant for appointment on compassionate ground has been turned down by the competent authority vide letter dated 3.2.2011 and the same is issued in conformity with the information as supplied by the D.E.O. (Secondary), Bikaner. Thus, when the applicant's Transfer Certificate on verification was found to be suspicious and doubtful, the applicant cannot be appointed on compassionate ground on the basis of such document, therefore, the applicant was rightly replied vide order dated 3.2.2011 and, the OA deserves to be dismissed.

5. Heard both the parties. Counsel for the applicant contended that in spite of letter dated 7.8.2008 (Annex. A/5) by the District Education Officer, Secondary Education, Bikaner the respondents are

not considering the candidature of the applicant for compassionate appointment.

6. Per contra, counsel for the respondents contended that Annex. A/5 is dated 07.08.2008 whereas the District Education Officer, Secondary Education, Bikaner vide letter dated 04.06.2009 (Ann.R/2) informed the respondent-department that the school leaving certificate of Mr. Zakir Hussain appears to be doubtful, therefore, the respondents may inquire the matter at their own level. Therefore, in view of the Annex. R/2, the respondents refused to give appointment to the applicant.

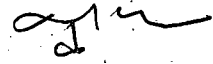
7. Looking to the entire controversy and documents Ann.A/5 and Ann.R/2, we propose to dispose of this OA with certain direction.

The applicant shall make a detailed representation to the competent authority and the competent authority shall enquire the matter in detail from the District Education Officer, Secondary Education, Bikaner in the light of Annex. A/5 and R/2 and shall make specific findings regarding doubtfulness of the school Transfer Certificate submitted by the applicant. Thereafter, the respondents shall proceed in accordance with the findings arrived at by the respondent-department. In case the school leaving certificate is found correct then the respondents are directed to consider the candidature of the applicant in accordance with law and if it is found otherwise,

they may act as per law. This whole exercise shall be completed within 4 months from the date of receipt of the order.



(MEENAKSHI HOOJA)  
ADMINISTRATIVE MEMBER



(JUSTICE K.C. JOSHI)  
JUDICIAL MEMBER

R/SS

2013/11/13

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