

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.1356/2000 & O.A.5/2001

Wednesday, this the 25th day of July, 2001.

CORAM;

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

O.A.1356/2000

P.C.Mohamood,
Village Extension Officer,
O/o the Additional Sub Divisional Officer,
Kiltan Island,
Lakshadweep.

- Applicant

By Advocate Mr VR Ramachandran Nair

Vs

1. Union of India represented by
the Secretary,
Ministry of Home Affairs,
New Delhi-1.

2. The Administrator,
U.T. of Lakshadweep,
Kavarathi Island.

3. The Secretary(Administration),
U.T. of Lakshadweep,
Kavarathi Island.

- Respondents

By Advocate Mr PR Ramachandra Menon

O.A.5/2001

K.C.Mohammed Khaleel,
Village Extension Officer,
O/o the Sub Divisional Officer,
Andrott Island,
U.T. of Lakshadweep.

- Applicant

By Advocate M/s Sukumaran & Usha

Vs

1. Union of India represented by
the Administrator,
Administration of U.T. of Lakshadweep,
Secretariat,
Kavarathi Island-682 555.



The Secretary,
Administration of U.T. of Lakshadweep,
Secretariat,
Kavarathi Island-682 555.

3. The Collector-cum-Development Commissioner,
Administration of U.T. of Lakshadweep,
Secretariat,
Kavarathi Island-682 555.

- Respondents

By Advocate Mr PR Ramachandra Menon

The applications having been heard on 25.7.2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The issues involved in these two cases are similar and therefore, they are being disposed of by this common order.

O.A.1356/2000

2. The applicant who was a Matriculate and had undergone six months' Village Extension Officer's training under the proceedings of the Principal Extension Training Centre, Mannuthy(A-3 and A-4), was after a due process of selection for regular appointment, appointed on ad hoc basis as Village Extension Officer on 2.11.82. While continuing in service, he was served with a notice dated 8.5.2000(A-8) calling upon him to produce the certificate of successful completion of Village Extension Officer's Training before 20.5.2000, inter-alia proposing to terminate his service on failure to do so. As the applicant could not produce the certificate within the said period, the order dated 26.12.2000(A-9) terminating the services of the applicant was issued. Aggrieved, the applicant has filed this application seeking to have A-8 and

A-9 set aside and for a direction to the respondents to regularise the applicant as Village Extension Officer in the same manner in which Shri M.Yusuf and Shri K.P.Mohammed Manikfan were regularised as Village Extension Officers without production of certificate of successful completion of the training. It has been alleged in the application that Shri Yusuf and Shri Mohammed Manikfan were appointed while they had not even undergone the Village Extension Officer's training and they were regularised in the year 1983 with effect from the date of their initial appointment on ad hoc basis. It is also further alleged that as per the Recruitment Rules, completion of the training alone is specified.

3. Respondents 2 and 3 in their reply statement contest the claim of the applicant on the ground that the applicant having failed to produce the certificate of successful completion of Village Extension Officer's training before 20.5.2000, as per the requirement of the Recruitment Rules, the impugned order is perfectly in order. It has been contended that Shri Yusuf and Shri Mohammed Manikfan have produced the certificates of successful completion of their training and therefore, the applicant cannot compare himself with Shri Yusuf and Shri Mohammed Manikfan.

4. The applicant in the rejoinder has stated that he has since passed the examination and has produced the certificate of successful completion of the training in March, 2001. A copy of the said certificate is marked as A-12. The applicant

has also produced a copy of the order dated 25.1.83 by which the ad hoc services of Shri K.P.Mohammed Manikfan as Village Extension Officer was regularised with effect from 2.11.82 which was the date on which his senior Shri P.C.Mohammed (the applicant in this case) joined service.

O.A.5/20001

5. The applicant who had passed the SSLC examination, had undergone Village Extension Officer's training as is seen from A-1, was appointed on ad hoc basis after a due process of selection as Village Extension Officer, by order dated 13.2.88(A-2). While continuing in service, the applicant was served with A-9 and A-11 notices calling upon him to produce certificates showing successful completion of Village Extension Officer's training. As the applicant could not produce the said certificate, the impugned order dated 26.12.2000 was issued terminating the services of the applicant. Aggrieved, the applicant has filed this application. It has been alleged in the application that as per the Recruitment Rules, completion of the training is a requirement and successful completion of the training was not to be insisted upon. It is further alleged that one Shri Mohammed Manikfan was appointed on ad hoc basis by order dated 22.10.82 while he had not even undergone the training and he was regularised in service with effect from 2.11.82 by order dated 25.1.83(A-8) even without his undergoing the training. It has also been alleged that Shri Mohammed Manikfan had produced certificate of completion of training only later and

the applicant having successfully completed training, as is seen from A-15, there is no justification why his services should not be regularised with effect from the date of services of Mr Mohammed Manikfan was regularised. With these allegations the applicant sought for the following reliefs:

- a) to quash/set aside Annexure-A13, discontinuing the services of the applicant as Village Extension Officer;
- b) to issue a direction to respondents 1 to 3 not to terminate the service of the applicant as Village Extension Officer;
- c) to issue a direction to respondents 1 to 3 to allow the applicant to continue as village Extension Officer.

6. The respondents in this case also have filed a reply statement stating that the applicant having not produced the certificate of successful completion of training, even though he was given sufficient opportunities, his services were terminated as per the rules, as the requirement in the Recruitment Rules is that he should have successfully completed the Village Extension Officer's training. The respondents, however, do not dispute that Shri Mohammed Manikfan was regularised by A-8 order with effect from the

date of his initial appointment on ad hoc basis though he had not even on the date of A8 order undergone the Village Extension Officers' training.

7. We have heard the learned counsel on either side and have gone through the pleadings and all the material placed on record. It is true that as per recruitment Rules, which was prevalent, on the dates of appointment of both the applicants, the qualification prescribed was SSLC or equivalent and successful completion of Village Extension Officer's training at the Government recognised training centre or training course as prescribed by the administration. However, by amendment dated 12.7.82, it was included in Column 13 as follows:

"2. The candidates after appointment should undergo Village Extension Officer's training, in any recognised Institute in the manner and period to be decided by the Administration from time to time during the period of probation failing which the period of probation will be extended."

A harmonious interpretation of what is stated in Col.8 and Col.13 incorporated by an amendment would lead to the irresistible conclusion that the successful completion of the Village Extension Officer's training is essential for confirmation and the failure to produce evidence of successful completion of such training would result in only extension of the probation. We find that the administration did not insist

on the requirement of successful completion of Village Extension Officer's training in the case of at least two persons, viz, Shri Yusuf and Mohammed Manikfan and they were regularised in service even before they were sent for training by the administration in the year 1987 and 1988. They produced evidence of successful completion of training only much later. We do not find any justification in the respondents taking a different yardstick in the case of the applicants in these cases. As far as the applicants are concerned, at the time of their ad hoc appointment, their position was much better than that of Shri Yusuf and Shri Mohammed Manikfan, because Shri Yusuf and Shri Mohammed Manikfan had not ever undergone training. While the applicant in these two cases had undergone training. The applicants who had been in service for more than a decade, were on the basis of the interim orders in these cases, retained in service. Now both of them have produced evidence of successful completion of their training. Therefore, we are of the considered view that the interest of justice demands giving the applicants in these cases equal treatment as was given to Shri Yusuf and Shri Mohammed Manikfan.

8. In the result in view of what is stated above, the applications are allowed and the impugned orders in these cases are set aside. The respondents are directed to

regularise the services of the applicants as Village Extension Officers with effect from the due dates as was done in the case of Shri Yusuf and Shri Mohammed Manikfan by A-8 order in O.A.5/2001. No costs.

Dated, the 25th July, 2001.

Sd/-
(T.N.T.NAYAR)
ADMINISTRATIVE MEMBER

Sd/-
(A.V.HARIDASAN)
VICE CHAIRMAN

trs

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

O.A.1356/2000

1. A-3: True copy of the proceedings of the Principal, Extension Training Centre, Mannuthy dated 15.2.88.
2. A-4: True copy of an individual course certificate No.A2/37/88 dated 15.2.88 issued to the applicant by the Principal, Extension Training Centre, Mannuthy.
3. A-8: True copy of order No.F.No.2/2/93 Services(2) dated 8.5.2000 issued by the third respondent.
4. A-9: True copy of order No.F.No.2/2/93-Services(1) dated 26.12.2000 issued by the third respondent.
5. A-12: True copy of the certificate No.T&E2/197/2001/CRD dated 2.6.2001 issued by the Commissioner for Rural Development, Trivandrum.

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6. A-1: True copy of the Certificate dt.30.1.87 issued to the applicant.
7. A-2: True copy of the appointment order F.No.2/B/86-Services(1) dt.13.2.88.
8. A-8: True copy of the proceedings F.No.12/12/78-Services dt.25.1.83 by the 3rd respondent.
9. A-9:True copy of the communication dt.16.2.2000 of the respondents.
10. A-11: True copy of the OM F.No.2/2/93-Services(1) dt.8.5.2000.
11. A-13: True copy of the Order No.2/2/93-Services(2) dt.26.12.2000
12. A-15: True copy of the communication dt.2.6.2001 from the Commissioner for Rural Development, Thiruvananthapuram.