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CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. No. 117/92

Raj Kumar Gupta

Petitioner

versus

Union of India & others

Respondents.

Shri A.K. Shukla Counsel for Applicant.

Shri D.S. Randhawa Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Upadhyaya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who holds Wireman permit issued by the U.P. Government under the notification issued by the U.P. State Electricity Board, after having qualified in the same, through the examination held in the year 1987, was granted permit for the same for a period of five years and it was renewed upto 21.7.86, was appointed on Master roll in the Civil Construction Wing (Electrical) All India Radio on the post of Assistant Wireman from 20.10.88 to 4.12.91. It was thereafter he was given temporary appointment. 9 posts of Technicians were to be filled in and he applied and was interviewed and offer was issued to him. The said offer was accepted by the applicant and joined the same but five days thereafter the applicant was not to perform his duties. The applicant has challenged

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the same order that once he has been appointed and the respondents after fully satisfying, have issued the offer and he has been working from before, there was no occasion for terminating his services without opportunity of hearing given to him:

2. The respondents have opposed the claim of the applicant with the plea that although the applicant was interviewed but he did not fulfill the qualification but one that is why when this mistake was detected, his appointment was put to an end. The applicant was High School, but according to the respondents he was not having diploma which ^{was} an essential qualification. It was not specified which are the recognized institutions and whether the Board of Examination of U.P.S.E.B. which issues permit could be deemed to be a recognized institution for this purpose. It appears that so far as this permit is concerned, the same was taken to be a competency certificate and that is why he was given appointment. The applicant, in his reply/ rejoinder stated that the persons namely S/Shri Shital Prasad Pandey, Intazar Ahmad, Hari Prasad and Satya Prakash Srivastava, who too were holding the Wiremen permit were appointed and were working. If that be so, the applicant cannot be discriminated. It seems that earlier respondents took the application of the applicant fulfilling the requisite qualification in view of the fact that the applicant was holding the permit and also experience but later on they discontinued the applicant.

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3. This application deserves to be allowed and the respondents are directed to consider the case of the applicant if other persons holding similar licence have been allowed. Let a decision in this behalf be taken within a period of one month from the date of receipt of the copy of this order. No order as to costs. Till then the applicant will be allowed work.


A.M.


V.C.

Shakeel/-

Lucknow: Dated: 20.11.92