

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No. 621 of 1996

Patna, dated the 7th April, 2004

C O R A M

The Hon'ble Mrs. Shyama Dogra, Member (J)

The Hon'ble Mr. Mantreshwar Jha, Member (A)

Subhash Singh, son of Shri Brahmdeo Singh, village  
Sukhi Bigha, P.O. Sarwan, P.S. Arwal, District Jehanabad.

.. Applicant

By Advocate Shri M.P. Dixit.

~~-versus-~~

1. Union of India, through Secretary, Ministry of Labour and Employment, Shram Bhawan, New Delhi-1
2. Union Public Service Commission, Pholpur House, Shahjahan Road, New Delhi-11, through its Secretary.
3. District Magistrate, District Jehanabad.

BY Advocate Shri V.M.K. Sinha, Senior S.C.

O R D E R

Mrs. Shyama Dogra, Member (J):- This O.A. has been preferred by the applicant for directions to the respondent no.2 to include his name in the panel prepared for the post of Grade V of Central Labour Service under General Category.

2. The main ground of the applicant for redressal of his grievance is that the applicant, who belongs to O.B.C. category, applied for the post of Grade V of Central Labour Service in view of the advertisement published by the U.P.S.C. He was called for the written test and thereafter he was summoned for interview vide letter dated the 10th June, 1996 by the respondent no.2 at Delhi on 11th July, 1996, subject to production of original O.B.C. certificate in the prescribed proforma and Experience Certificate, vide Annexure-A-4.

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3. Later on, the applicant came to know that though he was selected by the Board but his name was not included in the panel of successful candidates on the sole ground that the final certificate of O.B.C. in prescribed proforma has not been submitted by the applicant at the time of interview. The applicant has also submitted that his name stands at Serial No.4 in the merit list of general category as vacancies were more than 16 and his case could also have been considered under General category though he had applied for O.B.C. category for the said post. Therefore, in view of these facts, the applicant has legitimate expectation to be brought in the panel of selected candidates and the respondent no.2 is not empowered to hold up the recommendations of the Board of the U.P.S.C. on ground of non-submission of final O.B.C. certificate.

4. The applicant has also placed on record O.B.C. certificate vide Annexures-A-1 and A-3 along with his representation vide Annexure-A-3.


5. The respondent no.2, that is, U.P.S.C. has filed written statement and submitted that the applicant was a candidate for the recruitment of 22 posts in Grade V of Central Labour Service (Labour Officer/Assistant Labour Commissioner, etc.) Group 'A' Gazetted in the pay scale of Rs.2200-4000 (pre-revised) in the Ministry of Labour. Out of 22 posts, 3 posts were reserved for S.C., 2 posts were reserved for S.T., 3 posts were reserved for O.B.C. and remaining 14 posts were unreserved. The applicant had applied for recruitment to the said post of O.B.C. candidate, therefore, he was considered against 3 posts reserved for O.B.C. candidates only.

6. The respondents have admitted that since the



applicant's O.B.C. certificate furnished by him was not in the prescribed proforma and the experience certificate furnished by him was also not clear, he was called for interview conditionally subject to production of original O.B.C. certificate in the prescribed proforma with 7 years' experience certificate. Though the interviews in this case were held from 8th to 17th July, 1996 and the applicant was called for interview on 11th July, 1996, but he could not furnish the O.B.C. certificate and Experience certificate in the correct form. However, when he submitted an undertaking to furnish the same within 10 days from the date of interview, he was allowed to be interviewed provisionally on 11th July, 1996. The result of the interview was finalised on 5.8.1996 with 20 candidates in the order of merit who were recommended for recruitment to the said posts. The name of the applicant does not figure in the list of recommended candidates. The recommendation letters in respect of recommended candidates were issued vide regd. letters dated 13.8.1996, 27.9.1996 and 13.12.1996 and since the applicant had not been able to furnish both the O.B.C. certificate and Experience certificate within the period of 10 days, as per undertaking furnished by him, his case has not been considered for recommendation of the said post. Therefore, he is not entitled for the relief sought in the present O.A.

7. Moreover, it has further been submitted by the respondent no.2 in the written statement that since the applicant has applied for the said post under O.B.C. category and recommendations for the said post under General category have already been sent, therefore, his prayer to that effect cannot be acceded to and his plea that he was at serial No.4 in the merit list is also incorrect.



8. No rejoinder has been filed by the applicant to rebut these contentions being raised by the respondent no.2. However, learned counsel for the applicant has submitted that as per instructions published in Swamy's Hand-Book of 1999, clause 23 Reservations for Socially and Educationally Backward Classes (OBCs) Reservations and Concessions, applicant's name could have been included in the General Category.

9. We have heard the learned counsel for the parties and carefully gone through the record.

10. After perusal of Annexure-A-4 dated the 10th June, 1996, issued to the applicant by U.P.S.C. (respondent no.2) it is found that the applicant was asked to appear in the interview on fulfilling of two conditions with regard to furnishing of O.B.C. certificate in the prescribed enclosed proforma and Experience certificate signed by the competent authority. Even on the date of interview, the applicant has not produced these documents but he had given undertaking to produce the same within ten days, but as per the averments made by the respondents, he could not produce these documents within ten days. Therefore, he has failed to fulfil the conditions made by the authority concerned to include his name in the panel. Therefore, even if his name was there in the merit list, he is otherwise not entitled to be empanelled in the selection list because furnishing of these documents was mandatory as per advertisement and as per undertaking given by the applicant. Moreover, compliance of these conditions were required as the applicant had applied under O.B.C. category in proof of the fact that he belongs to O.B.C. category. So far as applicant's plea to empanel

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him in the general category since the applicant has also failed to furnish experience certificate, therefore, he was otherwise also not entitled for considering his case in general category.

11. Apart from this, much water has flow during these period and the respondent no.2 has already sent the names of recommended candidates in the year 1996 and all the posts in question might have been filled up. Therefore, <sup>we</sup> where are not inclined to give any relief whatsoever to the applicant as he has failed to substantiate or rebut the averments made in the written statement filed by respondent no.2.

12. In view of the aforesaid facts and circumstances of the case and the reasons thereon, we are not inclined to accept the contentions of the applicant.

13. Resultantly, this O.A. being devoid of merit is hereby dismissed and disposed of accordingly, however, with no order as to costs.

(Mantreshwar Jha)  
Member (A)

(Shyama Dogra) 7/4/04  
Member (J)