

32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO. 1012 OF 1995

DATE OF ORDER : 16-6-1998

BETWEEN :

P. Chinna ... Applicant

AND

1. The Deputy Salt Commissioner
Sastry Bhavan,
2nd Floor,
26 Haddows Road
Nungambakkam
Madras 600 006.
2. A. Bapanaiah
Sepoy, Salt Department
Gurajanapalli
Garapa Mandal
via Jagannadhapuram
East Godavari Dist. ... Respondents

COUNSEL FOR THE APPLICANT : Shri G. Prabhakara Rao

COUNSEL FOR THE RESPONDENTS : Shri K. Ramulu
Shri K. Subrahmanyam

CORAM :

HON'BLE SHRI R. RANGARAJAN, MEMBER (A)

HON'BLE SHRI B.S. JAI PARAMESHWAR, MEMBER (J)

JUDGEMENT

(per Hon'ble Shri R. Rangarajan, Member (A))

Heard Shri G. Prabhakara Rao for the Applicant,
Ms Rukmini for Shri Ramulu for the Respondents and Shri
K. Subrahmanyam for R-2. Shri D.L. Meena, Deputy Salt
Commissioner, Chennai was present.

The Applicant in this O.A was working as Platform Mazdoor in Gurajanapalli Salt Factory. He was working as a casual labour. By order dated 4-6-1975 of the Superintendent of Salt, Penugudury Circle, the Applicant

was appointed in that capacity and it is stated that he is working ever since from that date.

R-2 is also a similarly placed casual mazdoor. It is stated that 4 posts of Salt Sepoy in Group 'D' category are to be appointed on regular basis. The Learned Counsel for the Respondent submit, that the Commissioner of Salt, Jaipur gave instructions to fill up 4 posts of Sepoy in Group 'D' by direct recruitment by calling for sponsorship from the Employment Exchange. While considering employees sponsored by the Employment Exchange, the casual mazdoor working with the Department should also be considered along with them. As the Applicant and R-2 were working as casual mazdoor at that time, both were considered and R-2 was appointed as regular Salt Sepoy.

This O.A is filed praying for a direction to R-1 to appoint the Applicant as Salt Sepoy as per the interview held on 17-6-1994 and grant him all consequential benefits, if necessary by declaring the appointment of R-2 as Salt Sepoy as illegal.

A reply has been filed in this O.A. The main submission of the Respondents in the reply is that the Applicant was not found fit to be appointed as Salt Sepoy as he did not possess the necessary qualifications, etc. Hence, the only way for this Bench to examine this issue is to call for the selection proceedings and find out whether the rejection of the candidature of the Applicant is in order or not. Hence, we called for the selection proceedings. As the selection proceedings were not decodable by us, we asked the Learned Counsel for the Respondents to inform R-1 to be present here for assisting

For

D

us in this connection. Though in the first instance R-1 could not be present, he was present today.

We have examined the selection proceedings. The Applicant and R-2 were interviewed on the same day and R-2 was empanelled for the post at Serial No. 3, whereas the candidature of the Applicant was rejected though both the Applicant and R-2 had obtained the same total marks of 28.

The officer of the Department present explained to us that the Applicant did not possess the necessary minimum qualification of 8th Standard. He has produced a certificate issued by MC Lawrn High School. In this it is stated that the Applicant joined on 15-6-1985 and came out on 19-6-1985. The Learned Counsel for the Applicant submits that this is not a school leaving certificate. This certificate only indicates that the Applicant wrote the 8th Standard examination as a private candidate from 16-6-1985 to 18-6-1985 and hence that certificate is not a forged certificate. When we questioned the Learned Counsel for the Applicant in regard to the pay bill in which he has signed for the month of June, 1985, where-in he has ^{been} been shown as present on 15, 16 and 18, the Learned Counsel for the Applicant could not give us any satisfactory reply. The Learned Counsel for the Applicant produced a letter dated 6-6-1985 purportedly to be the proceedings of the District Educational Officer E.G. District, Kakinada to state that he has passed the 8th Standard examination for the year 1984-85. But it is not understood as to why he has not produced the original certificate when the Applicant was called for interview or subsequently atleast. The Respondents failed to check the certificate

before allowing him to sit for the selection. If the Applicant was not possessing the proper educational certificate then he should not have been allowed to sit for the selection. Even if he is allowed to sit for the selection there should have been a remark in the selection proceedings that his selection is subject to the production of the proper educational certificate. But the selection proceedings does not indicate anything. When we questioned R-1 in regard to the admission of the applicant for selection without examining his credentials, R-1 submitted that it was checked subsequently to the selection. This reply does not satisfy us. No Government Department can admit a candidate for sitting for a selection without checking the credentials in regard to the recruitment rules prior to the admission of the candidate for selection. As stated earlier, the Respondents have miserably failed in discharging their duties.

In view of what is stated above, we are of the opinion that the case of the Applicant has to be considered in accordance with the rules, if he produces the appropriate certificates and other details required. Those certificates and other details should be checked by R-1 and if he is found eligible for consideration for the post of Salt Sepoy in Group 'D' in the Department, then his name should be entered for consideration when the next selection takes place for appoint of Salt Sepoy in Group 'D' in the Department. The Applicant submits that his age should be reckoned as was done while he was admitted to the selection held on 17-6-1994. We feel that this submission is not unfair. Hence, when he is considered for the next selection, his age should be considered as it was done

when he was called for selection held on 17-6-1994. If in the next selection he is found suitable then he should be appointed as a Group 'D' Sepoy giving preference over the direct recruits who will be called for that selection.

With the above direction the O.A is disposed of. No costs.


(B. S. JAI PARAMESHWAR)

MEMBER (J)

16-6-98

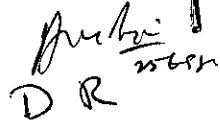

(R. RANGARAJAN)

MEMBER (A)

DICTATED IN THE OPEN COURT

DATED : 16-6-1998

...js/-


D R

..6..

Copy to:

1. The Deputy Salt Commissioner, Sastry Bhavan,
26 Haddows Road, Nungambakkam, Madras.
2. One copy to Mr. G. Prabhakara Rao, Advocate, CAT, Hyderabad.
3. One copy to Mr. K. Ramulu, Addl. CGSC, CAT, Hyderabad.
4. One copy to M.R(A), CAT, Hyderabad.
5. One duplicate copy.

6. One copy to Mr. K. Subrahmanyam, Advocate, CAT, Hyderabad

YLR

6/7/98
6

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED: 16/6/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

D.A.NO. Q 1012/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~DISMISSED FOR DEFAULT~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

YLKR

