

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,Original Applications No 635 of 2004

Guwalior, this the 5th day of April, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Ram Kumar Shah, Aged about 30 year,
S/o Shri Ram Shanker Shah, R/o 223/E,
"N" Type, Khamaria, (At present residing at
Nanak Nagar, Ranjhi, Jabalpur(M.P.) Applicant

(By Advocate – Shri Ghanshyam Tiwari on behalf of
Shri R.K.Dubey)

V E R S U S

1. Union of India,
Through the Secretary,
Ministry of Defence, South Block,
New Delhi.
2. The Chairman/Director,
Ordnance Factories Board,
Kolkatta(W.B.)
3. The General Manager,
Ordnance Factory, Khamaria,
Jabalpur(M.P.) Respondents

(By Advocate – Shri M.Chourasia)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application, the applicant has sought the following main relief :-

“(A) It is therefore, humbly prayed that this Hon'ble Tribunal may kindly be pleased to allow this application and Non-applicants may kindly be directed to consider the case(recruitment of applicant and issue appointment/Joining letter to the applicant for the post of Chargeman Grade-II in Ordnance Factory Khamaria, Jabalpur, which has been cancelled by the Non-applicants in the ends of justice and also by considering the administrative fairness, and applicants well being.”



The brief facts of the case are that after completing the B.E. in Electronics the applicant applied for job in M/s Anshuman, Pune and was appointed as Marketing Engineer on monthly salary basis i.e.(Rs 3500/- P.M.). He has stated working in M/s Anshuman from 20.1.1997, and was living in, Pune, and opened a Bank account in Cosmos Co-operative Bank Ltd. Pune. On 30.5.1999 he has left the job due to his personal and family problems and got experience certificate dated 30.5.1999 (Annexure-A-3) from M/s Anshuman, Pune. In pursuance of advertisement in the employment news dated 5/11-4.2003, the applicant submitted an application for the post of Charge-man Grade-II. Thereafter he was called for a written examination after careful scrutiny, as well authenticity of the documents. The applicant got success in the written examination, and thereafter in the interview also. When all procedure, criteria, requisites by mean of written examination, interview, selection list, police verification etc. were dully performed then appointment letter were need to be issued to the selected candidates, but no appointment letter was issued to the applicant while other candidates had received their appointment letters. The applicant received letter dated 9.4.2003(Annexure-A/1) by which the candidature ship of the applicant was cancelled on the ground that the experience certificate submitted by the applicant with his application from was found fake as not issued by M/s Anshuman, Pune. The applicant wrote a letter to the M/s Anshuman, Pune in which it is mentioned that he had worked in company from 20.1.1997 to 30.5.1999 and requested them to release the dues salary and provident fund Also on the same day he sent a representation dated 17.4.2003 to the respondents for considering his case sympethically. Thereafter, the applicant received a letter dated 5.5.2003(Annexure A-10) from M/s Anshuman, Pune, addressing to the him that they are enclosing the necessary form for provident fund. In pursuance to the said letter the applicant has filled up the form and Indemnity Bond and the same has been sent back to M/s Anshuman, Pune by registered post. After issuing the letter dated



9.4.2003, the respondents have not made correspondence with the applicant nor even they replied to representations dated 17.4.2003 and 29.6.2003. The applicant has again submitted representations dated on 15.9.2003, 20.1.2004 and 10.5.2004 but no reply has been given by the respondents. Hence, this OA.

3. Heard the learned counsel for the parties.

4. The learned counsel for the applicant has stated that the allegation made by the respondents against the applicant about the fake experience certificate was not issued by the M/s Anshuman, Pune is absolutely false and baseless. When the applicant received the impugned letter dated 9.4.2003(Annexure -A-1), he immediately wrote a letter to M/s Anshuman, Pune on 17.4.2003 in which he has narrated that he had worked in the company from 20.1.1997 to 30.5.1999 and requested them to release the due salary and provident fund. He also sent a representation to the respondents on 17.4.2003. In reply to the aforesaid letter, the M/s Anshuman, Pune have issued the letter dated 5.5.2003, in which the aforesaid firm have enclosed the document for withdrawal of provident fund. After receiving the letter dated 5.5.2003 the applicant had filled up the Indemnity Bond and the same was sent back to the firm by speed post and the applicant has sent same document to the respondents which was received by him from the M/s Anshuman, Pune. But the respondents have not considered the aforesaid document and also have not made any correspondence with the applicant.

5. The learned counsel for the respondents have stated that in the advertisement issued by the respondents dated 4/10.5.002 the essential qualifications required for the post of Chageman Gr.II(T) (Electric/Electronics) "Recognised 3 years diploma or equivalent in Electrical Engineering/Technology/Electronics Engg. Technology with two years experience in the relevant Technical Field". The applicant submitted application dated 24.5.2002 for the said post




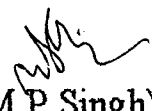
alongwith the experience certificate for the period from 20.1.1997 to 30.5.1999 issued by M/s Anshuman, Pune. The applicant was permitted to appear in the written test provisionally subject to his eligibility being proved and if at any stage, it is found that he does not fulfill the requisite the eligibility conditions for the subject post, his candidature shall automatically stand cancelled. He has qualified the written test and before issuing the appointment letter, the aforesaid experience certificate issued by M/s Anshuman, Pune was sent for verification for its genuineness. The concerned firm has confirmed that the experience certificated submitted by the applicant was not issued by their firm vide letter dated 29.1.2003(Annexure-R-5). Therefore, the information given by the applicant in the application form for the post of Chargeman Gr.-II was false and incorrect as the applicant did not possessed the requisite 2 years experience prescribed for the post. Accordingly, the candidature of the applicant was cancelled due to not-fulfilling of the requisite qualification for the aforesaid post. Hence, the action of the respondents is legal and justified.

6. After hearing the learned counsel for the parties and careful perusal of the records, we find that the respondents have advertised for the post of Chargeman Gr.II (T)(Electric/Electronics) and the essential qualification for the said post is 2 years experience in the relevant field. The applicant has submitted his application along with the experience certificate for the period from 20.1.1997 to 30.5.1999 issued by the M/s Anshuman, Pune. The applicant was provisionally permitted to appear in the written examination for the said post subject to his eligibility being proved and if at any stage, it is found that he does not fulfill the requisite eligibility conditions for the ~~subject~~ ^{subject} post, his candidature shall automatically stand cancelled. He has qualified the written test and before issuing the appointment letter, the aforesaid experience certificate issued by M/s Anshuman, Pune was sent for verification for its genuineness. The concerned firm have

confirmed that the experience certificate submitted by the applicant was not issued by ~~their~~ ^{his} firm vide letter dated 29.1.2003(Annexure-R-5). We have perused this letter in which it clearly mentioned that " We never issued the said certificate. Most probably he quit the job without any intimation for reasons best known to him". The applicant has not ~~has not~~ controverted this fact by filing the rejoinder against the reply filed by the respondents. It was the duty of the applicant to prove the alleged experience certificate ~~is~~ ^{was} genuine and duly issued by M/s Anshuman, Pune. He ~~was~~ failed to prove it and he has filed Annexure-A-10 which is a letter issued by the M/s Anshuman, Pune for withdrawal of remaining payment of the applicant. We have perused the Annexure-A-11, which is an indemnity ~~form and not the~~ ^{bond} ~~provident fund form and~~ it does not support the contention of the applicant that he has worked in the M/s Anshuman, Pune for period from 20.1.1997 to 30.5.1999.

7. After considering all the facts and circumstances of the case, we do not find any merit in this OA. Accordingly the same is dismissed. No costs.




 (Madan Mohan)
 Judicial Member



 (M.P. Singh)
 Vice Chairman

skm

पृष्ठांकन सं अ/सं....., दि.....

- (1) रजि. नं.
- (2) अर्ज. नं.
- (3) पं. नं.
- (4) सं. नं.



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 15-4-05
 उप रजिस्ट्रार


 18.4.05