

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 647 of 2001

Bilaspur this the 6th day of July, 2004

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

Naval Kishore Warkade, S/o. Shri
P.R. Warkade, aged about 37 years,
R/o. 3897, East Ghampur, Kandhghar,
New Basti, Jabalpur.

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, through
its Secretary, Ministry of Defence
(Production), New Delhi.
2. Senior General Manager,
Ordnance Factory, Khamaria,
Jabalpur.

... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member -

None is present for the applicant. Since it is an old case of 2001, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents and perused the records carefully.

2. By filing this Original Application the applicant has claimed the following main reliefs :

"(ii) to quash the impugned order dated 27.9.2000 (Annexure A-1) in its entirety;

(iii) to direct the respondents to appoint the applicant as Chargeman Grade-II (Mechanical)."

3. The brief facts of the case are that the applicant belongs to Scheduled Tribe community. He passed his B.E. (Mechanical) examination in the year 1995. The applicant appeared in the examination of B.E. (Mechanical) in October, 1994. Soon after the examinations of his final year, he joined



a Workshop of Uppal Motors at Rewa. The entire workshop was in his charge. He had continued to work there upto June, 1997. The applicant obtained a certificate from the workshop on 23.12.1996. The applicant worked upto June, 1997 in the said workshop. In 1997, posts in ITI Balaghat, were advertised and the applicant applied for the same. He was given appointment letter on 19.12.1997 and joined on 22.12.1997. While working as such, the respondent No. 2 issued an advertisement, wherein 11 posts of Chargeman (Technical/Mechanical) were advertised. Out of these posts, two were reserved for ST, three for OBC and 6 for open category. The applicant applied for one of the two posts reserved for ST. The qualifications required was either a person should be having engineering degree in Mechanical /three years diploma in Technology or equivalent, with two years experience in Mechanical field. The applicant submitted his application on 7.8.1999. On fully scrutinising the applications by the respondents, the applicant was allowed to appear in the written examination held on 27.3.2000 and the interview on 28.3.2000. The result was declared and the respondents issued the attestation form to the applicant for character verification which he filled and submitted to the respondents. The applicant further submitted that before the letter of appointment could be issued, the respondent No. 2 has issued a letter dated 27.9.2000, whereby the written test and viva voce of the applicant has been cancelled on the ground that he did not have two years field experience on 7.8.1999. Thus, the applicant has been deprived appointment in Central Government against the alleged post, by the respondents.

4. It is argued on behalf of the respondents that in response of the advertisement issued by the respondents for the post of Chargeman-II(T) Mechanical, the applicant submitted his application alongwith the certificate for education quali-

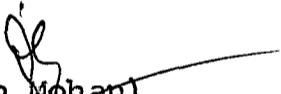
fication and experience certificate for the period from 10/94 to 12/96 issued by M/s. Uppal Motors, Allahabad Road, Rewa (MP). After initial/preliminary scrutiny of the application, the applicant was allowed to appear in written test/personal interview for the post of Chargeman Grade-II(T) Mech. held on 27.3.2000 and 28.3.2000 respectively. Subsequently, on the basis of the result of written test/interview the applicant was issued with attestation form for filling up the same to enable the factory management to arrange verification of character and antecedents through Civil authorities. During the final scrutiny of the particulars given by him in the application form, it was observed that the information given by the applicant under column No. 7 of the application form was false and incorrect as the applicant did not have the requisite 2 years experience prescribed for the alleged post. His total experience was only for about one year four months which he has obtained from M/s. Uppal Motors, Rewa pertaining to the period from October, 1994 to 23.12.1996. Accordingly, the applicant became ineligible for the post of Chargeman Grade-II (T) Mech. by virtue of his not having the required 2 years of experience in the relevant field after acquiring the prescribed educational qualification. Thus, the respondents have rightly rejected/cancelled his candidature through a speaking order dated 27.9.2000. The whole selection process was conducted strictly in accordance with the proper procedure and hence there is no violation of the principles of natural justice, and also no irregularity has been committed by the respondents.

5. After hearing the learned counsel for the respondents and on careful perusal of the pleadings and records, we find that the applicant acquired the bachelors degree in engineering in Mechanical in July-August, 1995, and not in October, 1994. Thus, the applicant has only experience of about one year and



four months in the relevant field. This fact only came to the light only on final scrutiny. It was observed that the applicant was not having two years experience in the relevant field as on 7.8.1998. Therefore, the information furnished by the applicant in his application dated 3.8.1999 was false and misleading making him ineligible for Government service. The respondents have done the whole selection process strictly in accordance with the proper procedure and has not violated the principles of natural justice. Thus the respondents have rightly rejected the claim of the applicant and there is no illegality or irregularity committed by the respondents, while passing the impugned orders.

6. Accordingly, we are of the considered opinion that the applicant has failed to prove his case and the Original Application is liable to be dismissed as having no merits. Hence, the Original Application is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA" प्रृष्ठांकन सं. ओ/व्या..... जबलपुर, दि.....
प्रिवेटिविधि अब्दो दिनाः—
(1) श्रीम. उमा न्यायालय लर्ड एडवरेन्चर, जबलपुर
के काउंसल।।, Tiwari
(2) श्रीम. श्रीरामकृष्ण
के काउंसल S H Dharwadker
(3) श्रीम. विजयी/व्यु
(4) श्रीम. जबलपुर न्यायालय
के काउंसल एवं अधिकारक वार्षिकी देव
Rajendra
उप-काउंसल 04

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