

22.7.2008

Mr. Mahendra Shah, Counsel for applicant
Mr. Hemant Mathur, Counsel for respondents

Heard learned Counsel for the parties,

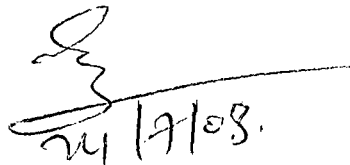
Order Reserved.

R. R. Bhandari
(R.R. Bhandari)
M(A)

M. L. Chauhan
(M.L. Chauhan)
M(J)

24/7/08

Order pronounced today
in the open court by
the aforesaid Bench


24/7/08.

C.O.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 24th day of July, 2008

ORIGINAL APPLICATION No.364/2005

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)
HON'BLE MR. R.R.BHANDARI, MEMBER (ADMINISTRATIVE)

Anil Raj Singh
s/o Shri Devi Singh,
r/o Village Kanjoli,
Post office Kasoda,
Tehsil Bharatpur
(Rajasthan)

.. Applicant

(By Advocate: Shri Mahendra Shah)

Versus

1. Union of India through its Secretary Defence,
Govt. of India, New Delhi.
2. Ammunition Depot through its Commandant,
Bharatpur.

... Respondents

(By Advocate: Shri Hemant Mathur)

O R D E R

Per Hon'ble Mr. M.L.Chauhan

The applicant has filed this OA thereby praying
for the following reliefs:-

"That the impugned order dated 15.7.2005 cancelling the selection of the
applicant on the post of Fireman Gr.II in pay scale of 2750-4400 may
kindly be declared illegal and invalid, therefore, the same may kindly be

quashed and set aside by appropriate orders, with all consequential benefits.

Respondents be directed by issuing appropriate order to give appointment to the applicant on the post of Fireman Gr.II in Pay scale 2750-4400 on the basis of his selection made vide order dated 19.4.2005 and by treating the certificate given by Supreme Sales Corporation as valid. Respondents may also kindly be ordered to release all consequential benefits on account of setting aside the impugned cancellation order dated 15.7.2005 in case the order dated 15.7.2002 quashed and set aside.

3. Briefly stated, facts of the case are that an advertisement for the post of Fireman Gr.II alongwith other categories was issued by the Ammunition Depot, Bharatpur Rajasthan vide advertisement dated 12.4.2005 (Ann.R2) published in Rajasthan Patrika. As per the aforesaid advertisement, eligibility for the said post was Matriculation and Fire Course/Fire Service Training from an institution of repute. Pursuant to the said advertisement the applicant was selected provisionally subject to verification of original documents, as can be seen from letter dated 19th April, 2005 (Ann.A3). One of the certificates which the applicant was to submit was fire training certificate. Vide impugned order dated 15th July, 2005 the provisional appointment letter issued to the applicant was cancelled on the ground that the applicant submitted an Experience Certificate and not Training Certificate and that M/s Supreme Sales Corporation is not a training institute. It is this order which is under challenge before this Tribunal in this OA.

4. Notice of this application was given to the respondents. The respondents have filed reply. The facts as stated above, are not disputed. The respondents have categorically stated that selection of the applicant was provisional subject to verification of original documents i.e. Educational Qualification, Date of birth proof, Character and Antecedent verification from police authorities, Medical Examination by Medical Jurist and Fire Training Certificate. It is further stated that the documents were sent for verification. The work experience certification dated 27.4.2000 was forwarded to the issuing authority i.e. M/s Supreme Sales Corporation, Delhi for verification and respondent No.2 received the verification from Supreme Sales Corporation dated 7.7.2005 in which it is mentioned that applicant has worked in the firm for three months only from 7.1.2000 to 15.4.1000 and not trained. Copy of such certificate has been placed on record as Ann.R1. It is further stated that as per SRO 180 in the column of education and other qualification required for direct recruitment (Column-8), the words "Matriculation and Certificate of having undergone a Fire Course/Fire Service Training from a institute of repute" has been mentioned and the same was also published in the advertisement itself. Since the applicant has produced a work Experience Certificate and not a Training Certificate as per requirement and

M/s Supreme Sales Corporation is not a Training Institute, hence, candidature of the applicant for the post of Fireman was cancelled vide order dated 15.7.2005 for non-production of Training Certificate.

5. The applicant has also filed rejoinder thereby reiterating the submissions made in the OA. Alongwith the rejoinder, the applicant has also annexed clarification dated 2.10.2005 in order to show that in addition to gaining working experience of 3 months, he was also given training.

6. We have heard the learned counsel for the parties and gone through the material placed on record.

7. The learned counsel for the applicant has challenged validity of the impugned order on the ground that cancellation of selection of the applicant is arbitrary and without any basis. It is further stated that the certificate dated 27.4.2000 (Ann.A4) has further been clarified by the firm vide letter dated 19.7.2005 (Ann. A5) which clarify that the aforesaid course is a course in fire course training, as such, on the face of such document and further clarification issued vide certificate dated 2.10.2005 (Ann.A7) with the rejoinder, the action of the respondents cannot be sustained.

we

8. We have given due consideration to the submissions made by the learned counsel for the applicant and we are of the view that the applicant has not made out any case for our interference. Admittedly, as per the advertisement and provisions contained in the recruitment and promotion rules for the post of Fireman Gr.II, the educational qualification required for direct recruitment was Matriculation and a certificate of having undergone fire course/fire service training from an institution of repute. It is not disputed that the certificate which was issued to the applicant was a certificate dated 27.4.2000 (Ann.A4). At this stage, it will be useful to quote the said certificate in extenso which will have bearing on the issue involved and thus reads:-

" CERTIFICATE

It is certified that Shri Anil Raj Singh R/o Shri Devi Singh, Village Kantholy, Post Kashoda, District Bharatpur, Rajasthan attach with M/s. Supreme Sales Corporation for the period of Three Months from 07.01.2000 to 15.04.2000 and doing care and maintenance of First Aid type Fire Extinguishers and Hydrant Systems and other safety equipment. He is very Hones and Hard worker.

We are given 3 months Experience Certificate for his betterment and bright futre.

For SUPREME SALES CORPORATION

Sd/-

DIRECTOR"

12

Thus on the face of such certificate, can it be said that action of the respondents in canceling the provisional selection of the applicant is illegal and arbitrary ? Our answer to this is in negative.

9. As already stated above, the applicant was required to submit a certificate of having undergone a fire course/fire service training from an institution of repute. From reading of contents of the above certificate, it is evident that said certificate does not meet the requirement of recruitment and promotion rules. It is only a certificate which suggests that the applicant has three months' experience with the firm and it cannot be said that the applicant has undergone fire course or fire service training from an institute of repute. Not only this, the respondents have also sought clarification regarding genuineness of this certificate from the firm also and the firm vide letter dated 7.7.2005 (Ann.R1) has clearly mentioned that the applicant has worked with the firm for three months. It is only after seeking such clarification, the respondents have passed the impugned order thereby stating that the applicant has submitted Experience Certificate and not Training Certificate and also that M/s Supreme Sales Corporation is not a training institute.

According to us, any clarification sought by the applicant after passing of the impugned order on which reliance has been placed by the applicant i.e. Ann.A5 and Ann.A7 is of no consequence. Not only that when the matter was heard by this Tribunal on 16.5.2007, this Tribunal passed the following order:-

"Heard. The applicant has challenged the cancellation of his appointment on the post of Fireman Grade-II on the ground that he has got received training from an appropriate body as required as per the advertisement Annexure A/2. Though, the applicant has placed on record a certificate dated 27.4.2000 issued by one Supreme Sales Corporation, Rithala, Delhi, wherein the said firm have stated that they are doing care and maintenance of First Aid Type Fire Extinguishers and Hydrant systems and other safety equipment's and the said firm is already registered with the government for imparting training. However, it is not clear from the certificate that from which body the firm is registered and whether they are competent to impart training as such. For that purpose, Learned Counsel for the applicant seeks time to place on record the document that this firm is registered with the authorized body to impart training....."

Despite repeated opportunities granted to the applicant, the applicant failed to produce any document which shows that the firm was authorized to impart training. Thus, according to us, the applicant has not made out any case for our interference, which is accordingly dismissed.

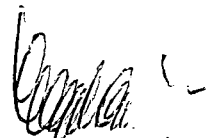
10. As this stage, we will fail in our duty if we do not refer to the only judgment cited by the learned counsel for the applicant. The learned counsel for the

applicant has placed reliance on the decision of the Rajasthan High Court in the case of Miss Alka Chaturvedi vs. State of Rajasthan and Ors., in SB Civil Writ Petition No.1252/91 decided on 11.1.1993 whereby it was held that rejection of application on the ground not given in advertisement that certificate was not from firm registered or recognized by Government is wrongful. We fail to understand how the learned counsel for the applicant can draw any assistance from this judgment, which has been given in the facts and circumstances of that case. In the instant case the advertisement specifically mentioned that besides possessing Matriculation certificate a candidate must also possess certificate of fire course or fire service training from an institution of repute. Thus, reliance placed by the applicant on the decision of the Hon'ble Rajasthan High in the case of Miss Alka Chaturvedi (supra) is not applicable.

11. Accordingly, the OA is bereft of merit, which is accordingly dismissed with no order as to costs.



(R.R.BHANDARI)
Admv. Member



(M.L.CHAUHAN)
Judl. Member

R/