

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA. No. 060/00209/2014

Chandigarh, this the 19th day of December, 2014

CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER(A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J)

Ajay Kumar s/o Hans Raj r/o Village Bhagwanpur (Bhukhra), Tehsil and Distt. Gurdaspur.

...Applicant

Versus

1. Union of India, through Secretary (Defence), Government of India, New Delhi.
2. The Commanding Officer, 5121, ASC Bn.(MT) c/o 56 APO.

.....Respondents

Present: Sh. Amandeep Singh Manaise counsel for the applicant.
Sh. Ashwani Kumar Sharma, counsel for the respdts.

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

“(i) Quash the impugned order Annexure A-7 dated 16.1.2014 passed by respondent No. 2 vide which applicant's selection for the post of Cleaner has been rejected.

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ii) Direct the respondents to appoint the applicant at the post of Cleaner in SC category as he is eligible and competent for the same and his documents have been verified to be correct."

2. Averment has been made in the OA that the respondent No. 2 issued advertisement dated 26.11.2011 (Annexure A-1) for recruitment of civilian candidates at Pathankot for the post of cleaners. The applicant applied for the post of Cleaner in the SC Category and was provisionally selected vide order dated 17.12.2012 (Annexure A-6). The applicant appeared before the office of respondent No. 2 on 8.1.2013 at Pathankot and submitted all the original documents for verification alongwith verification fee of Rs. 600 vide Demand Draft dated 7.1.2013. However, the applicant received the impugned order dated 16.1.2014 (Annexure A-7) from respondent No. 2 rejecting the selection of the applicant for the post of Cleaner on the ground that the address of the attesting authority who attested the documents and photo of the applicant, is incomplete.

3. In the grounds for relief, it has interalia been stated as follows:-

(i) That, applicant's documents have already been compared and verified by respondent No. 2 from the concerned departments and the applicant has also deposited verification fee for this purpose. Therefore, there is no question of the documents being wrong only on the ground that the address of attesting authority is incomplete. The Government of India has also issued instructions with regard

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to self-attestation of documents and photographs, but respondent No. 2 has not adhered to the same and has rather raised a frivolous objection with regard to attestation.

(ii) That, the application form of the applicant was duly accepted and found to be correct. Only then the subsequent proceedings were done and he was provisionally selected. Had the application form, attestation on certificates and photographs been found to be incomplete with regard to address of the attesting officer, the same would have been rejected at the very outset.

(iii) That, the matriculation certificate and caste certificate of the applicant were submitted in the office of respondent No. 2 in original as sought by respondent No. 2. The matriculation certificate has been verified to be genuine by the Education Board and the caste certificate has also been verified to be genuine by the concerned department. Therefore, rejecting the candidature of the applicant is wrong and unjustified. The applicant is eligible and competent for the post of Cleaner and deserves to be appointed. However, his candidature has been cancelled wrongly and arbitrarily.

Hence this OA.

4. In the counter reply filed on behalf of the respondents, the facts of the matter have not been disputed. It has further been stated that during course of verification of documents, it was found that since address of attesting authority who is seen to have attested the documents and photographs affixed on the application of the applicant was found incomplete, hence the fact that the attesting authority is Group 'A' or 'B' Gazetted Officer and that he has attested the documents could not be verified. Therefore, candidature/selection of the applicant was cancelled/rejected by the appointing authority on 15.1.2014 as the same

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was not found to have been attested by appropriate attesting authority (Gazetted Officer Group 'A' and 'B').

5. Arguments advanced by the learned counsel for the parties were heard. Learned counsel for the applicant mainly stressed that the claim made in the present OA was covered by order dated 28.10.2014 in OAs No. 060/00158/2014, 060/00160/2014 & 060/00162/2014. He stated that the respondents should have tried to ascertain the genuineness of the documents submitted by the applicant rather than rejecting the same as the address of the officer attesting the same was found to be incomplete.

6. Learned counsel for the respondents could not dispute the contention of the learned counsel for the applicant that the present matter is covered by the order dated 28.10.2014 in OAs No. 060/00158/2014, 060/00160/2014 & 060/00162/2014.

7. We have carefully considered the material on record and are satisfied that the present OA can be disposed of keeping in view the directions issued vide order dated 28.10.2014 in OAs No. 060/00158/2014, 060/00160/2014 & 060/00162/2014 that read as follows:-

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“9. Considering these facts, we are of the view that the right course for the respondents was to ascertain the genuineness of those documents by asking the authorities who had issued the same so as to reach to the truth of the matter. The basic reason behind asking of attested copies at the time of application from a candidate is only to satisfy at that time that the candidate possesses the requisite qualification as per the advertisement which can be verified at the time of final selection by checking the original of those attested copies of documents. Based upon the same analogy, the nodal Ministry, i.e., Ministry of Personnel, Public Grievances and Pensions, Department of Administrative Reforms and Public Grievances issued Office Memorandum dated 10th May, 2013 regarding self-certification, which for the sake of convenience, is reproduced below:

“Subject: Self-certification

The Second Administrative Reforms Commission in its 12th Report titled “Citizen Centric Administration –The Heart of Governance”, has recommended, adoption of self-certification provision for simplifying procedures.

2. Taking a cue from this some Ministries/State Governments have adopted the provision of self-certification of documents like marksheets, birth certificate etc. by the applicants/stakeholders instead of asking for an attested copy of the documents by a Gazetted Officer or filing of affidavits. Under the self attestation method, the original documents are required, to be produced at the final stage.
3. You will appreciate that the above method is citizen friendly and obtaining either an attested copy or affidavit not only cost money but also involves wastage of time of the citizens and the Government officials.
3. It is requested to kindly review the existing requirements of attested copy or affidavit in various application forms in a phased manner and wherever possible make provision for self-certification of documents, after obtaining the approval of the competent authority.”

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10. Perusal of the above makes it clear that to create a citizen friendly atmosphere, the Government of India itself has allowed the concerned individuals to submit self attested copies of the documents with a rider that at the time of appointment the original thereof has to be produced to avoid any fraud.

11. allowed to the extent that the impugned orders dated 16.01.2014, rejecting the candidatures of the applicants are hereby quashed and set aside..... The respondents are directed to verify the genuineness of the documents submitted by the applicants and if the same are found to be genuine, then in terms of their position in merit list, they be offered appointments to the posts of Cleaners. No costs.”

8. In view of the above discussion, the respondents are directed to re-consider the case of the applicant for appointment as Cleaner within a period of two months of a certified copy of this order being served upon them.

9. The OA is disposed of with the above directions. No costs.

**(RAJWANT SANDHU)
MEMBER(A)**

**(DR. BRAHM A.AGRAWAL)
MEMBER(J)**

**Dated: December 19th, 2014
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