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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA. 060/00627/2014

Chandigarh, this the 14th day of May, 2015

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

...
Jairaj Kumar son of Sh. Zile Singh, Baba Jiwan Singh Colony by-pass road, Kale Ghanpur, Amritsar – 143 001.

.....Applicant

BY ADVOCATE: MR. SARABJIT SINGH

VERSUS

1. Union of India through Ministry of Defence, New Delhi.
2. The Engineer in Chief, Indian Army Kashmir House, New Delhi.
3. Chief Engineer Western Command, Chandimandir.
4. Commander Works Engineer, Amritsar Cantt.
5. Chief Engineer, Jalandhar Zone c/o 56 APO.

.....Respondents

BY ADVOCATE: MR. SANJAY GOYAL

ORDER

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

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking quashing of order

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dated 25.3.2013 (Annexure A-3), whereby the provisional appointment of the applicant as Mate SSK had been cancelled, and direction to the respondents to reinstate the applicant with all consequential benefits.

2. Averment has been made in the OA that the applicant was selected for the post of Mate SSK in MES by Commander Works Engineer on 6.3.2013 and was issued appointment letter as per Annexure A-1 with certain conditions. The applicant joined on the post, but his appointment was cancelled on 25.3.2013 on the ground that as per Headquarters' letter No. 1513/Rect/53/V/E1B(NB) issued on 06.03.2013, the applicant has failed to produce his original certificate in support of his educational qualification, age, caste and character certificate. The applicant claims that he submitted all the required certificates along with medical certificate on 13.3.2013, but despite this, the respondents had cancelled his appointment through letter dated 25.3.2013 (Annexures A-2 & A-3). The appointment had been cancelled without reason and without adopting the due procedure as the written examination was held on 2.9.2012, he was called for interview on 20.11.2012 and thereafter, his name was shown in

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waiting list and ultimately the applicant was selected for the post of Mate SSK and was issued appointment letter on 06.03.2013.

3. In the written statement filed on behalf of the respondents, it has been stated that the applicant submitted his joining report vide letter dated 18.3.2013 (Annexure A-2) wherein he had stated that the original certificates were being submitted. However, the applicant had not submitted his original educational qualification certificates with this letter. Since the applicant did not fulfil the educational qualifications prescribed, hence, he was held not eligible for the post of Mate SSK and vide order dated 25.3.2013, his appointment letter dated 6.3.2013 was cancelled. Even till date, the applicant had not submitted the original educational qualification certificates regarding being Xth pass from recognized Universities/Board.

4. In the rejoinder submitted on behalf of applicant, it has been stated that the certificates in original were submitted alongwith letter dated 13.3.2013 (Annexure A-2) and the original certificates of the applicant were still lying with the respondents. The applicant had passed Matriculation in March, 2003 and hence, was fully eligible for the post of Mate SSK. 18 —



5. Arguments advanced by the learned counsel for the parties were heard. Learned counsel requested that copy of the Matriculation Examination (Xth Class), issued in respect of the applicant under Roll No. 103069 by the Delhi Board of Senior Secondary Education be taken on record. He stated that the original certificate was submitted by the applicant alongwith his letter dated 13.3.2013 when he reported for duty.

6. On the other hand, learned counsel for the respondents stated that it had been clarified in the written statement that the original matriculation examination certificate had not been submitted by the applicant and hence his selection as Mate SSK had been rightly cancelled.

7. We have carefully considered the pleadings of the parties and the arguments advanced by the learned counsel for the parties. Since the learned counsel for the applicant has produced a copy of the matriculation certificate of the applicant, the respondents are directed to get this verified from the Delhi Board of Senior Secondary Education. If it is found that indeed the applicant has cleared 10th class in March, 2003 as per the matriculation certificate, copy of which has been placed before us,



the applicant may be allowed to rejoin as Mate SSK. Action in this regard may be completed within a period of three months of the date of a certified copy of this order being served upon the respondents. It is also clarified that in case the applicant is allowed to rejoin duty, he will not be entitled to any benefit for the period from 25.3.2013 to the date of his rejoining as Mate SSK.

8. The OA stands disposed of with the above directions.

No costs.


(RAJWANT SANDHU)
MEMBER(A)


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

Dated: May 14th, 2015.
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