

**Central Administrative Tribunal  
Principal Bench, New Delhi.**

**OA-1333/2014  
With  
OA-1335/2014**

**New Delhi this the 21<sup>st</sup> day of October, 2016.**

**Hon'ble Sh. Shekhar Agarwal, Member (A)  
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

**OA-1333/2014**

Saurabh Panwar  
Roll No. DDM-FM-63  
Recruit Fireman in ARC  
Aged about 25 years  
S/o Sh. Praveen Panwar  
R/o VPO : Shekhupur Roura  
PS : Jahangirabad  
Distt : Bulandshahr, UP. .... Applicant

(through Sh. Anil Singal, Advocate)

**OA-1335/2014**

Vikas  
Roll No. DDM-FM-64  
Recruit Fireman in ARC  
Aged about 24 years  
S/o Sh. Rajesh Kumar  
R/o VPO : Ladpur,  
PS/Tehsil/Distt : Jhajjar,  
Haryana. .... Applicant

(through Sh. Anil Singal, Advocate)

Versus

Union of India through

1. Cabinet Secretary,  
Cabinet Secretariat,  
Bikaner House Annexe,  
Sahajahan Road, New Delhi.
2. Special Secretary,

Aviation Research Centre,  
Dte. General Security,  
(Cabinet Secretariat)  
East Block-V, R.K. Puram,  
New Delhi-66.

.... Respondents in both OAs.

(through Sh. D.S. Mahendru, Advocate)

### **ORDER (ORAL)**

#### **Mr. Shekhar Agarwal, Member (A)**

These two OAs are similar and are being disposed of by this common order. For the sake of convenience, facts of OA-1333/2014 are being discussed as hereunder:-

2. The respondents issued a Circular on 03.08.2012 for recruitment to the post of Fireman in Aviation Research Centre (ARC). The applicant applied for the post and was called for physical efficiency test, driving test and interview on 09.04.2013. According to him, he successfully qualified in all the tests and was issued attestation & SSQ forms vide letter dated 13.05.2013. The applicant submitted the aforesaid forms in the office of the respondents on 21.05.2013. However, he was not issued appointment letter. Later on, he came to know that a candidate from the waiting list had been appointed. Therefore, he has now filed this O.A. before us seeking the following relief:-

“(A) To call for the records for the case and direct the respondents to consider the case of the applicant for his appointment to the post of Fireman and appoint him to the post of Fireman in ARC with all consequential benefits including Seniority as per the merit position and arrears of pay.

- (B) To award costs in favor of the applicant and
- (C) To pass any order or orders which this Hon'ble Tribunal may deem just & equitable in the facts & circumstances of the case."

3. In their reply, the respondents have not denied the above mentioned facts. Their contention is that after preparation of select panel, the concerned authority was duty bound to verify the character and antecedents of the candidate by seeking information in terms of the details envisaged in the attestation and SSQ forms. A close examination of the forms submitted by the applicant revealed that the applicant had given his postal address as House No. 1, Police Station Vasant Vihar, New Delhi-110057 in his application form whereas there was no mention of the aforesaid address in his attestation and SSQ forms. On physical verification of the postal address, it was found that no such address with such details existed. Thus, doubts were created in the mind of the appointing authority. Consequently, further exercise was conducted to verify the other details given in his attestation and SSQ forms. It was found that in the list of places where the applicant had resided for more than one year, he had mentioned his address as Village/PO-Shekharur Roura, Thana-Jahangirabad, District-Bulandshahar, UP-203150 whereas on scrutiny of his identity certificate issued by Dr. P.K. Nirmal, Senior CMO, In-charge CGHS Wellness Centre (D-47), Hauz Khas, New Delhi-110016, the identifying

officer has certified that the applicant was known to him for the last three years. This proves that the applicant had been staying there for three years. Thus, the applicant had concealed/suppressed material information and this cast aspersion on his integrity. In the application form, the applicant had made a declaration that in case any information is found to be incorrect or false then his candidature can be cancelled at any stage. Moreover, in the attestation form, it was incorporated that furnishing false information or suppression of factual information would be a disqualification and was likely to render a candidate unfit for employment. In view of the above facts, the applicant's candidature was cancelled.

4. We have heard both sides and have perused the material placed on record. Without going into the merits of the decision taken by the respondents, learned counsel for the applicant argued that the respondents had acted in gross violation of the principles of natural justice as they had cancelled the candidature of the applicant without as much as issue of a show cause notice to him. Learned counsel for the respondents, on the other hand, argued that the applicant had never been appointed and, therefore, there was no requirement of issuing a show cause notice to him before cancelling his candidature.

5. In our opinion, it cannot be disputed that the applicant had successfully competed in the selection process. He had passed the

driving test, physical efficiency test as well as the interview and was found to be meritorious enough to be placed in the select panel. Consequently, he was issued the attestation and SSQ forms, which indisputably were issued only to those candidates who figured in the select panel after passing of the prescribed tests. If the candidature of the applicant was to be cancelled on the ground that something adverse had been found while verifying his character and antecedents, it was imperative on the part of the respondents to issue a show cause notice to the applicant and give him an opportunity to explain discrepancy, if any, noticed in the attestation/application forms etc. Since this was not done, we agree with the learned counsel for the applicant that the respondents acted in gross violation of the principles of natural justice. Consequently, their action is not sustainable.

6. We, therefore, allow this O.A. and direct the respondents to consider the applicant for appointment to the aforesaid post. This shall, however, not preclude them from proceeding to cancel the candidature of the applicant after issuance of a show cause notice to him in accordance with law. No costs.

7. A copy of this order be placed in OA-1335/2014 file also.

**(Dr. Brahm Avtar Agrawal)**  
**Member (J)**

**(Shekhar Agarwal)**  
**Member (A)**

/Vinita/