

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 1817/2013

Reserved on 13.09.2018
Pronounced on 20.09.2018

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)

Paramjeet Kumar,
S/o Shri Darshan Singh, Age 30 years,
R/o H.N.35, Rajpuri Rajnagar,
Loni Border Near Pipe Line,
Post Office- Loni,
Ghaziabad (UP)-201102.

... Applicant

(By Advocate: Mr.Sachin Chauhan)

VERSUS

1. Govt. of NCTD through the
Chief Secretary, Naya Sachivalaya,
New Delhi.
2. The Delhi Fire Service through
The Director,
Govt. of NCT of Delhi,
Connaught Place, New Delhi-1
3. The Assistant Commissioner (Fire),
The Delhi Fire Services,
Govt. of NCT of Delhi,
Connaught Place, New Delhi-1

... Respondents

(By Advocate: Mr. Amit Anand)

ORDER

Hon'ble Mr. S.N. Terdal, Member (J):

We have heard Shri Sachin Chauhan, counsel for applicant and Mr. Amit Anand, counsel for respondents, perused the pleadings and all the documents produced by both the counsel.

2. In OA, the applicant has prayed for the following reliefs:

“(i) To set aside the impugned order dated 16.11.2012 (A-1)
and to further direct the respondents to appoint the

applicant as Fire Operator with all consequential benefits including seniority and promotion and pay and allowances.
Or/and

- (ii) Any other relief which this Hon'ble court deems fit and proper may also be awarded to the applicant."

3. The relevant facts of the case are that the applicant had applied for the post of Fire Operator in response to the advertisement issued by the Delhi Subordinate Services Selection Board (DSSSB) regarding the appointment to the said posts issued in the year 2009 with post code no.03/09. The applicant had passed the written examination in that regard and DSSSB recommended the name of applicant to second respondent. The second respondent issued offer of appointment dated 05.08.2011 to the applicant with certain terms and conditions. Subsequently, he successfully completed Physical Endurance Test (PET) and he was also declared medically fit. Thereafter, by the impugned order dated 16.11.2012, the offer of appointment was withdrawn and it is treated to be cancelled, as his driving license was reported to be fake by the authority, namely, Licensing Authority, Agra.

4. The counsel for the applicant vehemently submitted that as no notice was issued to him to show cause before withdrawing and cancelling the offer of appointment, he submitted that the impugned cancellation be set aside. The counsel for the applicant relied upon the order passed by this Tribunal on 04.09.2014 in the case of **Vikas Kumar Vs. Govt. Of NCTD and Ors** (OA No.194/2013 and connected OAs). The counsel for the applicant has also produced a copy of the Show Cause Notice (SCN) issued by the Delhi Police before cancelling the offer of appointment in an identical case, as Annexure A-5.

5. The counsel for the respondents submitted that as the applicant has not yet acquired the status of an employee and that it is only an offer of appointment and in the process of verification of the document it is found that the said driving license was fake and a condition to that effect was also mentioned in the offer of appointment dated 05.08.2011. He further submitted that the cancellation of offer of appointment was in accordance with condition 10 of Section-C of the recruitment advertisement itself. On these grounds, he submitted that the OA be dismissed.

6. From the perusal of the above said order passed by this Tribunal dated 04.09.2014, it is clear that based on the Full Bench order of this Tribunal and on the basis of various other judgments, in an identical case, this Tribunal set aside the cancellation order giving liberty to the respondents to take fresh decision after issuing show cause notice. The relevant portion of the order is extracted below:

“13. Being bound by the view taken by the Full Bench (ibid), we quash the impugned order and respondents would be at liberty to take fresh decision in the matter after issuing a show cause notice to the applicants.”

7. Following the reasoning given in the above said order dated 04.09.2014, this OA is allowed. The impugned order dated 16.11.2012 withdrawing and cancelling the offer of appointment dated 05.08.2011 is set aside. But, however, the respondents are at liberty to take fresh decision in the matter after issuing Show Cause Notice to the applicant. No costs.

(S.N.Terdal)
Member (A)

(Nita Chowdhury)
Member (J)

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