

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

O.A. No.1118/2017
M.A. No.2100/2017
M.A.No.2055/2018

Wednesday, this the 31st day of October 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Vikas Chaudhary, Group C
Aged about 37 years
s/o Sh. D S Chaudhary
r/o GH-4/100, Meera apartments
Paschim Vihar, Delhi – 110 063

..Applicant

(Mr. Anil Mittal, Advocate)

Versus

1. Govt. of NCT of Delhi
5th Floor, Delhi Sachivalaya
New Delhi
(through the Chief Secretary)
2. Delhi Subordinate Services Selection Board
Govt. of NCT of Delhi
F-18, Karkardooma
Institutional Area, Delhi – 92
(through its Chairman)
3. Transport Department
Govt. of NCT of Delhi
5/9, Under Gill Road
Rajpur Road, Delhi – 110 054
(through its Commissioner)

..Respondents

(Mrs. Rashmi Chopra and Ms. Neetu Mishra, Advocates for respondent Nos.1 & 2
– *Nemo* for other respondent No.3)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

Pursuant to Annexure A-3 Advertisement No.02/2012 of Delhi Subordinate Services Selection Board (DSSSB), the applicant applied for the post of Motor Vehicle Inspector. Annexure A-3 indicted that 24

vacancies are to be filled up (UR - 15, OBC - 6, SC - 3, including ex-servicemen - 3). The essential qualification prescribed for the post was 10th standard pass with diploma in Mechanical Engineering or Automobile Engineering issued by the State Board of Technical Education (3 years course) as well as working experience of at least 5 years in a reputed automobile workshop. The applicant had submitted his application in hardcopy, as was the practice then. Apparently, the DSSSB changed its system of receipt of applications and, in August 2014, decided that all such applications should be received online and even the candidates, who had applied earlier in hardcopy, were also directed to submit their applications online. Somehow the applicant did not apply online; as a result of which, he was not issued the admit card for the written examination scheduled to be held in December 2014.

2. The applicant approached the Tribunal in O.A. No.4557/2014, in which the interim relief was granted to him by way of a direction to the respondents to allow him to participate in the written examination on provisional basis. The *ibid* O.A. was, however, dismissed by the Tribunal vide order dated 11.09.2015. The applicant challenged the Tribunal's order before the Hon'ble Delhi High Court in W.P. (C) No.9869/2015 with C.M. (Appeal) No.23868/2015, which was allowed by the Hon'ble High Court vide judgment dated 27.11.2015 setting aside the Tribunal's order and a direction to the respondents to declare the result of the applicant.

3. Pursuant to the aforementioned judgment of the Hon'ble High Court, the DSSSB, vide its impugned Annexure A-1 Result Notice No.477 dated

02.03.2017, rejected the candidature of the applicant on the ground that he did not possess the requisite experience, in the following terms:-

“The candidate does not possess the requisite experience as per RRs, as the candidate has furnished the experience certificates as “Assistant Supervisor”.

4. The Annexure A-1 Result Notice also indicated that the applicant had secured 70.25 marks, which has been subsequently corrected as 110.5 by issuing a corrigendum by respondent Nos. 1 & 2, as averred by them in their reply to paragraph 4.27 of the O.A. The applicant was not considered under OBC category. It is stated that the last selected candidate (Suresh Kumar) under the OBC category had secured 89.25 marks out of 200 as per Result Notice dated 13.10.2015 (Annexure A-11).

Aggrieved by the impugned Annexure A-1 Result Notice, the applicant has approached the Tribunal seeking the following reliefs:-

“(i) Quash Result Notice No.477 dated 2-3-2017 as qua the applicants (Annexure-A 1);

(ii) declare that the applicant has successfully cleared his work experience and is eligible for appointment to the post of Motor Vehicle Inspector.

(iii) direct the respondents to appoint the applicant to the post of Motor Vehicle Inspector against Post Code No.21/12 as per his seniority with all consequential benefits.”

5. Pursuant to the notices issued, only respondent Nos. 1 & 2 have entered appearance and filed their reply. There is no appearance on behalf of respondent No.3, who is accordingly proceeded in accordance with Rule 16 of CAT (Procedure) Rules, 1987.

6. On completion of pleadings, the arguments of Mr. Anil Mittal, learned counsel for applicant and Mrs. Rashmi Chopra, learned counsel for respondent Nos. 1 & 2 were heard today.

7. Mr. Anil Mittal, learned counsel for applicant submitted that the DSSSB was not justified in rejecting the candidature of the applicant on the ground of experience. He submitted that the verification of the qualification and its suitability to the post is to be decided by the user Department, namely, the Transport Department of Govt. of NCT of Delhi – respondent No.3, and that the DSSSB ought to have recommended the applicant's name to DSSSB on the basis of his merit. In the reply filed on behalf of respondent Nos. 1 & 2, it has been averred that such verification is to be done by the user Department.

8. In view of the above, we dispose of this O.A. in the following terms:-

(i) The Annexure A-1 Result Notice, qua the applicant, is set aside.

(ii) The respondent No.2 – DSSSB is directed to recommend the name of the applicant for appointment to respondent No.3 for the post of Motor Vehicle Inspector if he is found eligible in terms of his merit position. This shall be done within a period of four weeks from the date of receipt of a copy of this order.

(iii) The respondent No.3 is directed to verify the experience of the applicant for the post and on being satisfied that the

applicant possesses the requisite qualification, then issue the appointment letter him within four weeks thereafter.

(iv) The applicant shall be entitled to all consequential benefits, except the back-wages.

9. In view of the disposal of the O.A., all the ancillary Applications shall stand disposed of.

No order as to costs.

**(S.N. Terdal)
Member (J)**

**(K.N. Shrivastava)
Member (A)**

October 31, 2018
/sunil/