

**Central Administrative Tribunal
Chandigarh Bench
(Circuit Bench at Jammu)**

**OA No.61/857/2018
(SWP No.1488/2007)**

Decided on : 19.09.2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. P. Gopinath, Member (A)**

Gurmeet Singh, age 29 years, S/o Sh. Puran Singh Khajuria,
R/o Ward No.3, H.No.91, Mohalla Dangus, Distt. Poonch.

... Applicant

(By Mr. Achal Sharma, Advocate.)

Versus

1. Chairman, Information and Broadcasting Corporation of India, Prasar Bharti, Shastri Bhawan, New Delhi.
2. Assistant Station Engineer, Doordarshan Maintenance Centre, Rajouri.
3. Jagdish Singh S/o Late Sh. Prem Singh, R/o 237/04, Pamposh Colony, Sector 4, Mohalla Janipur, Jammu.
4. Farid Ahmed S/o Sh. Ali Mohd. R/o Manhas Mohalla, Ward No.6, Jawahar Nagar, Distt. Rajori.

... Respondents

(By Mr. Harshwardhan Gupta, counsel for respondents no.1 & 2)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :

1. The Doordarshan Centre, Rajouri, of Prasar Bharti, issued on advertisement on 22.02.2007, inviting applications for two posts of Driver, one each for Doordarshan Maintenance Centres (DMC), at Rajouri and Poonch. The applicant applied for the post meant for DMC Poonch. The process involved skill test and interview. When he was not getting information about the result of selection, the applicant filed in Writ Petition No.1146 of 2007 in the J&K High Court. In view of the directions issued therein, a list of selected candidates was furnished to the applicant. It was found that respondent no.2 has selected, respondents no.3 & 4.

2. The applicant filed SWP No.1488 of 2007 before J&K High Court, challenging the appointment of Respondents No. 3 and 4 as Drivers. He pleaded that respondents no.3 & 4 did not hold the requisite qualifications and still they were appointed in preference to him. When the writ petition was pending in the Hon'ble High Court, a counter affidavit was filed on behalf of respondents no.1 & 2. It was mentioned that the selection was made strictly in accordance with the prescribed procedure and on the basis of the marks obtained by the candidates in the skill test and interview, appointments were made. Objections were also raised, as to the maintainability of the Writ Petition.

3. When the Writ Petition was pending in the Hon'ble High Court, the applicant filed an MA with a prayer to take on record some information provided by respondent no.4.

4. Recently, the writ petition has been transferred from the Hon'ble J&K High Court to this Tribunal, vide order dated 12.07.2018 and is re-numbered as OA No.61/857/2018.

5. We heard learned counsel for the applicant and learned counsel for respondents no.1 & 2. Respondents no.3 & 4 were set ex-parte, when the writ petition was pending before the Hon'ble High Court.

6. The issue involved in this O.A is the legality or otherwise of the selection and appointment to the two posts of Driver, for the DMCs, Rajouri and Poonch. The applicant was treated as qualified and was considered for appointment. However, in selection he did not come through and respondents no.3 & 4 were selected and appointed. In the OA, the applicant submitted that respondent no.4 does not have valid driving licence. The respondents no.1 & 2 stated in the counter affidavit that the driving licence was issued by the concerned Licensing Authority. No rejoinder is filed contesting this.

7. If OA is to be decided on the basis of the pleadings as contained in the OA, we do not find much merit in it. The applicant filed MA for taking certain documents on record. If they are true, it would emerge that the 4th respondent does not hold the requisite educational qualification and his certificate is not genuine. However, we do not propose to express any view on this aspect, since the respondents did not have the opportunity to deal with the same. If the applicant is so advised, he can file them before the respondents No. 3 and 4, who in turn, can verify the same, by issuing notice to respondent no.4. In case the allegation is found to be true, and

4th respondent needs to be removed from service and the case of the applicant may be considered on merit, depending upon its place in the merit list.

8. We therefore, dispose of the O.A. leaving it open to the applicant to place the material pertaining to educational and other qualifications in respect of respondent no.4, before the respondents No. 1 and 2, within a period of 8 weeks from today, together with a representation. On receipt of the representation, the respondents shall take necessary steps in accordance with the law, and observations in the preceding paragraphs, within two months.

9. There shall be no order as to costs.

(P. Gopinath)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ND/