

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA 3429/2016

New Delhi this the 30<sup>th</sup> day of January, 2019

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

Mohan Kumar,  
S/o Sh. Sita Ram, Age 34 years,  
R/o H. No. 494, V&PO - Bankner,  
Delhi-40.

... Applicant

(By Advocate: Mr. R.K.Sharma)

**VERSUS**

1. Director General,  
ESI Corporation, Panchdeep Bhawan,  
Kotla Road, New Delhi-110002

2. The Director,  
E.S.I.C. Model Hospital,  
Bapunagar, Ahmedabad-380024.

... Respondents

(By Advocate: Mr. Murari Kumar with Mr. Achint Kumar )

**O R D E R (ORAL)**

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

We have heard Mr.R.K.Sharma, counsel for applicant and Mr. Murari Kumar, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

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

- “(i). To quash and set-aside the impugned orders dated 08.08.2016, 09.01.2016, 06.07.2015.
- (ii) Direct the respondent to appoint the applicant on the post of Nursing Orderly from the date of appointment order issued to him, with all consequential benefits.
- (iii) To allow the OA with exemplary costs.

- (iv) To pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts & circumstances of the case."

3. The relevant facts of the case are that applicant applied for the post of Nursing Orderly in response to the advertisement issued in the year 2011 for recruitment in different Employees State Insurance Corporation (ESIC for short) hospitals of the respondents, the applicant appeared in the examination for the said posts, the result of which was declared on 17.01.2013 and 19.12.2014. The applicant indeed stood at 19<sup>th</sup> place in the merit list out of the total 59 selected candidates and offer of appointment letter was issued to the applicant on 23.02.2015. But, however, offer of appointment was subject to the verification of the documents mentioned in para 7 of the said offer letter, some of which were submitted by the applicant. On verification of the documents and attestation form it was initially found that the registration certificate/approval of the appropriate authority in respect of the hospital, namely, Shivam Bansal Hospital where the applicant claim to have gained experience which was essential requirement for the said post was not submitted and in the attestation form he did not mention anything about the police case registered against him. The applicant requested for and he was given 30 days time to rectify the above said deficiencies. He later on submitted the details of the police case, but however, he failed to submit the registration /approval/ recognition certificate of the said Shivam Bansal Hospital. Instead of submitting the said registration/recognition/approval certificate of the above said Shivam Bansal Hospital, he submitted registration certificate of some other hospital, namely, Kamlesh Medical Centre for

the period 16.08.2010 to 31.03.2011. As at the time of submission of his applications, he had given details only of the above said Shivam Bansal Hospital and he has not given the details of experience gained from Kamlesh Medical Centre, the competent authority holding that the applicant has not got eligibility for the said post passed the impugned order dated 08.08.2016 rejecting his candidature.

4. The counsel for the applicant vehemently and strenuously contended that the impugned order is arbitrary. He further submitted that while seeking the experience in Shivam Bansal Hospital he was misled by the representation of the said hospital that it was a recognized hospital and he further submitted that as he has gained the said experience in Kamlesh Medical Centre, the respondents authorities should have considered his experience in Kamlesh Medical Centre.

5. The counsel for the respondents brought to our notice the declaration given by the applicant in the application form which clearly states that in case of giving any false or incorrect information, then the candidature or appointment is liable to be summarily cancelled or terminated without notice. The said declaration is extracted below:

"I hereby declare that the information furnished in the application are true, complete and correct to the best of my knowledge and belief. I am fully aware that in the event of any information being found false or incorrect at any stage, my candidature/appointment is liable to summary cancellation/termination without notice or any compensation in lieu thereof".

The counsel for the respondents further submitted that they verified with respect to the registration /recognition/approval certificate of the said Shivam Bansal Hospital from the Directorate General of Health

Services, Govt. of NCT of Delhi and the said Directorate vide their letter dated 13.01.2016 communicated to the respondents that the said Shivam Bansal hospital was not recognized during the relevant period.

6. In view of the above facts and circumstances, we are of the opinion that the impugned order do not suffer from any illegality.

7. Accordingly, OA is dismissed. No order as to costs.

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

**(Nita Chowdhury)**  
**Member (A)**

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