

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.370 of 2014

This the 5th day of February, 2019

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

Urmila Kumari @ Urmila Kumari Badesra,
Aged about 34 years, D/O-Sh. Ram Kumar,
R/o – B/380, Gali o.2, Rajbeer Colony,
Gharoli Extn., Delhi-110096.

....Applicant

(By Adv. : Shri Mukesh Pandey proxy for Shri Amit Kumar)

VERSUS

Govt. of NCT of Delhi, Through:

1. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat, Delhi.
2. Dy. Secretary,
Govt. of NCT of Delhi,
Department of Health & Family Welfare
(Technical Recruitment Cell),
9th Level, A-Wing,
Delhi Secretariat, Delhi.
3. The Chairman,
Delhi Subordinate Service Selection Board,
FC-18, Institutional Area,
Karkardooma, New Delhi.
4. The Sub-Divisional Magistrate, Seelampur,
District North East, Govt. of NCT of Delhi,
GT Road, Seelampur, Delhi-110053.
5. The Superintendent,
Lok Nayak Hospital,
New Delhi-110002.

.....Respondents

(By Advocate : Shri Vijay Pandita)

O R D E R (Oral)

Ms. Nita Chowdhury, Member (A):

On previous date of hearing, i.e., 30.1.2019, this Court passed the following orders:-

“Learned counsel for applicant does not appear. Proxy counsel seeks accommodation.

Learned counsel for respondents states that the candidature of the applicant has been cancelled vide order dated 02.04.2014 and he has been placed a copy of the order on record. He has also informed that an identical and similar issue where issuance of caste certificate by the competent authority was challenged, has already been disposed of, details of which have been submitted by him.

In view of the detailed submission of the respondents’ counsel, the applicant is given last opportunity to appear and argue her case, failing which, matter shall be decided under Rule 15 of Central Administrative Tribunal (Procedure) Rules, 1987.

List on 05.02.2019 under the caption “**part-heard**”.

2. Today when this matter came up for hearing, again proxy counsel for the applicant’s counsel appeared and sought accommodation and in such circumstances, this Court proceeds to adjudicate this case by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987. Accordingly, we have heard learned counsel for the respondents.

3. The applicant is aggrieved by the action of the respondents in not appointing her to the post of Staff Nurse in the office of respondent no.2, consequent upon her

selection, nomination, issuance of appointment letter, medical examination and verification of documents. The applicant in this OA sought quashing of show cause notice dated 19.4.2012 as well as order dated 2.5.2012 and also direction to appoint her to the post of Staff Nurse with consequential benefits.

4. Counsel for the respondents submitted that applicant has applied for the post in question under OBC category and upon verification, it was found that OBC certificate submitted by the applicant was not in accordance with the provisions on the subject and as such a further show cause notice was issued to the applicant on 19.4.2012 by of the Office of Tehsildar/Executive Magistrate (Seelampur) SDM Court Complex, G.T. Road, Seelampur Delhi, which was conveyed by the respondents to the applicant vide Memorandum dated 2.5.2012, which were sought by the applicant to be quashed by this Tribunal.

5. The veracity of OBC certificate has to be ascertained and within the jurisdiction of the authority, who had issued the same and this Tribunal has no jurisdiction to adjudicate the said controversy. Since the respondents' counsel submitted a final status report regarding verification of OBC certificates for the candidates appointed as Staff Nurse, which was submitted by the competent authority vide order dated 2.4.2014 vide which OBC certificates of 15 candidates

aspirants for the post of Staff Nurse have been cancelled, amongst the said 15 candidates, the applicant's name is mentioned at serial No.1 and the cancellation order was passed way back on 3.5.2012 and the applicant's candidature was earlier considered as OBC category candidate for the post in question on the basis of said OBC certificate, the relief to grant of appointment to the applicant to the post of Staff Nurse cannot be entertained by this Tribunal in view of the above factual position of this case.

6. The similar issue has also been raised before this Tribunal in OA No1707/2014 (***Dharmendra Kumar vs. GNCT of Delhi and others***) decided on 28.5.2014, the relevant portion of the same reads as under:-

5. Issuance or cancellation of a caste certificate by a competent authority does not fall within the ambit of Section 14 of the Administrative Tribunals Act 1985 and cannot be termed as 'service matter'. The applicant neither alleged nor contended anywhere in his application that his employer has taken or contemplating to take any action against the applicant in pursuance of the impugned action of the Tehsildar/Executive Magistrate, Seelampur. Hence, in the absence of any adverse action/order passed by the employer of the applicant, the present OA is not maintainable, in the present form, as the same does not fall under the definition of 'service matter'. Accordingly, the OA is dismissed for want of jurisdiction. 6. However, this order shall not preclude the applicant from questioning the impugned order before any competent court of law having jurisdiction over cancellation of a caste certificate or from approaching this Tribunal, if so advised, in the event his employer takes any consequential action basing on the Order passed by the said Tehsildar/Executive Magistrate, and

for sufficient and valid grounds, in accordance with law. No order as to costs.”

7. In the result, and for the foregoing reasons, the present OA bereft of merit and the same is dismissed accordingly. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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