

**Central Administrative Tribunal
Principal Bench**

OA No. 2587/2016
MA No. 1490/2018

This the 09th day of January, 2019

***Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)***

Shri Himanshu Verma
Aged 37 years,
S/o Late Krishna Kumar Verma
R/o 806 Sector-21,
Panchkula-134 116
(Haryana).

...Applicant

(By Advocate: Shri Nandan K.Jha)

Versus

1. Union of India
(Through) Secretary
Ministry of Finance,
Department of Revenue,
North Block, New Delhi-110001.
2. Secretary,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi-110069.
3. Commissioner,
Office of the Commissioner, Commercial Tax UP,
Commercial Tax Head Office,
Vibhuti Khand,
Gomti Nagar,
Lucknow-226010.

...Respondents

(By Advocate: Sh. Ashok Kumar for Respondent No.1
Sh. Amit Yadav for
Sh. Ankur Chhibber for Respondent No.2)

ORDER (ORAL)

By Justice L.Narasimha Reddy, Chairman

The applicant is a Class-I officer of U.P. Provincial Civil Service and is working in the Commercial Tax Department. The Ministry of Finance, Union of India issued an advertisement in the Employment Weekly of 13-20 September, 2014 inviting applications for appointment to the post of Deputy Director, Enforcement Directorate through a process of deputation. Only officers of particular category in Government service are treated as eligible to apply.

2. The applicant submitted his application on 02.11.2014. Since he did not get any response in that behalf he filed an application under RTI Act on 29.04.2016. In response to the same, the UPSC, the second respondent herein, addressed a letter dated 10.05.2016 informing the applicant that his case is not considered on account of the fact that the integrity certificate which is essential for the purpose, was signed by himself. The said communication is challenged in this OA.

3. The applicant contends that the integrity certificate was downloaded by him from the official portal of U.P. Government and that as a proof of its authenticity, he attested it. He contends that in case respondents entertained any doubt about it, they could have

accessed the portal or acquired further information from the State Government. Other contentions are also raised.

4. The respondent no.1 on the one hand and respondent no.2 on the other filed separate counters. They stated that appointment through process of deputation was undertaken by issuing advertisement and the existence of integrity certificate is essential for any candidate. According to them, the applicant did not enclose the integrity certificate issued by HOD and instead signed a certificate by himself.

5. We heard Sh. Nandan K. Jha, learned counsel for applicant, Sh. Ashok Kumar, learned counsel for respondent no.1 and Sh. Amit Yadav for Sh. Ankur Chhibber, learned counsel for respondent no.2.

6. The deputation is to the post of Deputy Director, Enforcement Directorate. Having regard to the nature of importance of the post, the respondents incorporated various conditions, particularly those pertaining to integrity. It was clearly mentioned in the advertisement that the authorised officer, i.e. HOD of the candidate, must sign in certification of various aspects and he must also issue an integrity certificate in respect of the candidate. In the case of applicant herein, firstly, it was only the advance copy that reached the second respondent and not through the proper source. However, the second respondent did not insist on the

application being received from the proper channel. They did consider the case of the applicant herein. The applicant also understood the importance of the integrity certificate. However, he has chosen to download a particular statement and put his signatures thereon. It is not even a case of attestation. The reason is that the downloaded statement does not bear the signature of any officer, much less of the HOD. Except, his own signature there was nothing on that. Added to that, the content thereof does not indicate that it is a conscious decision taken by the HOD to certify the integrity of the applicant herein.

7. At any rate, deputation is a phenomenon which depends upon the discretion and choice of the borrowing department. More and more an individual insists on being taken on deputation, the tendency develops in the opposite direction.

8. We do not find merit in the OA and the same is dismissed.

9. Pending MA shall stand disposed of.

(Pradeep Kumar)
Member (A)

(Justice L.Narasimha Reddy)
Chairman

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