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D.A.350/1508/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

PARTICULARS OF THE APPLICANT:

¶ **Vikesh Kumar**, son of **Madan Kishore Bharti** aged about 26 years, residing at Village Mohabbat Nath Ke Mathia, Post Office - Chanchaura, P.S. - Rasulpur, District - Chapra, Bihar. 841204.

.... **APPLICANT**

V E R S U S

- (i) The Union of India, through Secretary, Ministry of Steel, Ispat Bhawan, New Delhi 1
- (ii) The Chairman, Steel Authority of India Limited, SAIL Ispat Bhawan, Lodi Road, New Delhi
- (iii) The Chief Executive Officer, Steel Authority of India Limited, Durgapur Steel Plant, Durgapur, West Bengal 713203.
- (iv) The Executive Director, Steel Authority of India, Durgapur Steel Plant, Durgapur, West Bengal.
- (v) The General Manager, Steel Authority of India, Durgapur Steel Plant, Durgapur, West Bengal.

¶ (vi) The Deputy Manager (Pers - NW) SAIL, Durgapur Steel Plant, Durgapur, 713203 -

.... **RESPONDENTS**

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O.A.350/1508/2017

Date of order : 25.9.19

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member.**

VIKESH KUMAR
VS.
UNION OF INDIA & OTHERS

For the applicant : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For the respondents : Ms. R. Basu, counsel

Bidisha Banerjee, Judicial Member

The applicant in this O.A. has sought for the following reliefs:-

- "(I) Order dated 11.09.2017, No. Pers/Recit/DR/2014-2015/VK/2017/289, whereby the claim of the applicant has been denied for the post of A.C.T.(Trainee);
- (II) Issuance of direction of consider the claim of the applicant for said post;
- (III) Any other order or orders may deem fit and proper."

2. Facts of the case in a nutshell are as under:-

Pursuant to a notification/advertisement dated 22.08.2014 for recruitment to different posts in Steel Authority of India Limited(SAIL), Durgapur Steel Plant (DSL), Durgapur, West Bengal, the applicant along with others applied online for the post of Attendant cum Technical(Trainee) on 09.09.2014 as a general category candidate. His

registration No. was DP 1401102105713. The requisite criteria to be fulfilled in order to be considered for such appointment was as under:-

"ELIGIBILITY"

Essential Qualification and Experience as on 01.08.2014

Sl.	Name of Post	Essential Minimum Qualification	Essential Experience required, if any
1.	Operator-cum-Technical(Trainee)	Matriculation and 3 years full time Diploma in relevant discipline of Engineering only (Metallurgy/Mechanical/Electrical/Civil/Electronics/Chemical from Govt. recognised Institute.	---
2.	Attendant-cum-Technician	Matriculation and ITI(full time) in relevant trades only (Fitter/Electrician/Welder) from Govt. recognised Institute.	---

Selection procedure for the said examination was the following :

"SELECTION PROCEDURE"

Eligible candidates will be required to appear in Written Examination. On the basis of their performance in the Written Examination they will be called for Interview. Information for Written Exam and Interview will be provided in the SAIL website www.sail.co.in

The guidelines how to apply stipulated in the notification as under:-

"HOW TO APPLY"

Eligible and interested candidates would be required to apply online through SAIL's website: www.sail.co.in (at the link Careers). No other means/mode of application will be accepted.

Before applying the candidates should ensure that they fulfil all the eligibility norms. Their registration will be provisional as their eligibility will be verified only at the time of interview."

It was specifically mentioned that :-

"Mere issue of admit card for written examination/interview call letter will not imply acceptance of candidature. Candidature of a registered candidate is liable to be rejected at any stage of recruitment process or even on joining, if any information provided by the candidate is found to be false or not in conformity with the eligibility criteria at any stage or if candidate fails to produce valid documentary proof in support of his/her eligibility."

The notification further specified that :-

"Candidates not satisfying the requisite eligibility criteria specified in this advertisement need not apply. All certificates and documents in support of eligibility will be verified only during the interview and any candidate, who fails to produce the same, will not be allowed to appear at the interview. Therefore, candidates are requested to ensure their eligibility before applying.

Candidates possessing the requisite qualification through Distance Mode/Correspondence/Off Campus are not eligible to apply.

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Candidature of a registered candidate is liable to be rejected at any stage of the recruitment process or after recruitment or joining, if any information provided by the candidate is found to be false or is found not to be in conformity with eligibility criteria mentioned in the advertisement. Durgapur Steel Plant reserves the right to reject the applications and no communication in this regard will be made with the applicant."

The applicant duly appeared in the written examination held on 15.01.2017 against the advertisement with Roll No.208096. He was even short listed for interview for the post of Attendant cum Technician(Trainee)-Electrician [ACT(T)-Electrician]. Despite the fact that the advertisement clearly mentioned that the date of reckoning of possession of essential qualification and experience was 01.08.2014 and candidates not possessing requisite eligibility criteria did not apply, the applicant failed to produce the requisite qualification certificate in support of the eligibility criteria as stipulated in the advertisement dated 22.08.2013 during interview but claimed that he would be able to produce the certificate at the time of pre-employment medical examination, if selected. Accordingly an undertaking was obtained from him. However, at the time of pre-employment medical examination he did not submit any additional document in support of his claim and, therefore, he could not be allowed to appear for the

same. The selection process was thus completed and the candidates found fit in all respects in the pre-employment medical examination were allowed to join SAIL/DSL.

3. The applicant is aggrieved by a communication dated 11.09.2017 by the Deputy Manager(Pers-NW) in connection with his appeal for consideration of his candidature for the post of ACT(T), whereby he was informed as under:-

"xxxxxxxxxxxxxx the eligibility criteria in respect of minimum essential qualification specified in the recruitment advertisement dated 22.08.2014 w.r.t. date of reckoning which is 01.08.2014 was not satisfied by your submitted documents. Even at the subsequent stage of pre-employment medical examination, you failed to produce the requisite qualification certificate in support of the eligibility criteria as stipulated in the advertisement dated 22.08.2014.

Hence, your referred appeal for consideration of your candidate for the post of Attendant-cum-Technician(trainee) cannot be acceded to."

4. Ld. counsel for the applicant at hearing would submit that although the applicant fulfilled the requisite qualification, he failed to obtain a certificate from the authorities on time, and, therefore, this Tribunal should give him a chance to produce the documents in support of his claim that prior to issuance of the advertisement he had acquired the required qualification.

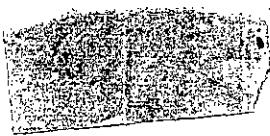
5. The contention was vehemently opposed by the ld. counsel for the respondents who submitted that a certificate issued by a Training Institute cannot be treated as a valid pass certificate. He would draw our attention to a decision rendered in O.A.No.1334/2012 by the Principal Bench of this Tribunal. Ld. counsel would further submit that the applicant having submitted the provisional and final pass certificate

two years after the cut off date of 01.08.2014, could not be considered as his certificates were not acceptable, and further, in view of his declaration/undertaking as contained in Annexure W-3 of the written arguments of the respondents, that , *"I also fully agree that my candidature for the post of ACT(T) Electrician in Durgapur Steel Plant is liable to be rejected/terminated at any stage of the recruitment process or after recruitment or joining, if any information/document provided by me is found to be false or is found not in conformity with on line application data or eligibility criteria mentioned in the advertisement."*, the applicant was stopped from claiming benefit of such consideration.

6. Ld. counsels were heard and materials on record were perused.
7. We note that along with the supplementary application filed by the applicant a Provisional National Trade Certificate issued by Thakur G.N. Singh Industrial Training Centre, Madhuban, East Champaran dated 28.07.2014 has been furnished. It certifies that he has passed All India Trade Test for Craftsman Training Scheme held in the month of January, 2014(SA-1 to the Supplementary Application). Annexure A/8 to the O.A. manifests that a Provisional National Trade Certificate was issued by the State Council for Vocational Training, Bihar, Patna on 25.12.2014 declaring that the applicant has passed All India Trade Test for Craftsman Training Scheme held in the month of January 2014. However, a National Trade Certificate issued by Ministry of Labour and Employment, Government of India, National Council for Vocational Training was also issued only on 06.04.2015 i.e. long after the cut off

date of possession of the trade certificate or reckoning eligibility in terms of notification as evident from Annexure A/8.

8. We fail to countenance and comprehend that, if the applicant was in possession of a valid Provisional National Trade Certificate then why he would fail to produce the same at the time of pre-medical examination or even thereafter. In view of the admitted position that he did not possess relevant trade certificate as on the cut off date of reckoning eligibility, that was 01.08.2014, he preferred representation to the Chairman, SAIL, New Delhi on 18.07.2017 and as he failed to produce the documents in support of acquiring the qualification necessary for the purpose of consideration in terms of the notification dated 22.08.2014 for the post of Attendant cum Technician (Trainee) on time and also in view of the clear stipulation of reckoning eligibility from 01.08.2014 as evident from the notification and other conditions appended therein as enumerated supra, we find no infirmity in the respondents action in not allowing reconsideration on the basis of the certificates furnished to them after almost three years from the cut off date of eligibility in terms of the notification in question. Accordingly the O.A. fails and is dismissed. No costs.



(Dr. Nandita Chatterjee)
Administrative Member



(Bidisha Banerjee)
Judicial Member

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