

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/1413/2013

Dated: 22/10/2019

Between

K. Kishore, S/o. K. Chandra Sekhar,
Aged about 36 years,
Working as Health & Malaria Inspector Gr.III,
East Coast Railway,
Jagdalpur,
Chattisgarh - 494 001.

... Applicant

And

1. Union of India rep. by its
Secretary to Govt. of India,
Ministry of Railways,
Rail Bhavan,
New Delhi - 110 001.
2. Chairman,
Railway Boards,
Rail Bhavan,
New Delhi - 110 001.
3. Chairman,
Railway Recruitment Board,
Lallaguda,
Secunderabad - 500 017.
4. Divisional Railway Manager (P),
East Coast Railways,
Waltair, Visakhapatnam - 530 004.

5. Sr. Divisional Medical Officer,
Jagdalpur/ Waltair Division,
East Coast Railways,
Jagdalpur,
Chattisgarh 6 494 001.

6. Waghira Gunnuri,
D/o. Nagaiah Gunnuri,
R/o. H.No.10-384, Bhavanipuram,
4th Rank, Konthamuru Post,
Rajahmundry Rural. A.P.

... Respondents

Counsel for the Applicant : Mr. M. Venkanna

Counsel for the Respondents : Mr. S.M. Patnaik, SC for Railways

Mr. B. Rajesh Kumar for R-6

CORAM :

Hon'ble Ms. Manjula Das, Member (Judl.)

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER
{Per Hon'ble Ms. Manjula Das, Member (Judl.)}

The instant O.A. is filed challenging the Memo dated 8.11.2013 issued by the 5th respondent whereby the applicant was asked to show cause within 30 days from the date of receipt of this notice as to why his services should not be terminated on the grounds of being recruited to the post of Health and Malaria Inspector Gr.III secured by him on the basis of Diploma in Public Health and Sanitation Technology awarded by the Institute of Public Health & Hygiene, New Delhi which was not to be accepted in lieu of 1 year Diploma, a prescribed qualification for direct recruitment to the post of Health & Malaria Inspector Gr.III of the Railways.

2. The facts of the case in brief are as under:

The applicant is a Science graduate in Chemistry faculty from Osmania University. He had done his Diploma course in Public Health & Sanitation Technology through Institute of Public Health & Hygiene, New Delhi during 1999-2000. The Ministry of Railways have issued an Employment Notice No.6/2010 dated 13.3.2010 inviting applications for the posts of Health & Malaria Inspectors Gr.III. The prescribed qualifications are B.Sc. (Chemistry) plus one year Diploma in Health & Sanitary Inspector or One year National Trade Certificate in Health & Sanitary Inspector awarded by National Council for Vocational Training, Ministry of Labour & Employment, Govt. of India, New Delhi. The applicant responded to the

notification and participated in the written examination and got qualified. He was selected after due verification of original documents. The 4th respondent vide his Memo dated 11.3.2013 appointed the applicant and posted him as Health & Malaria Inspector, Gr.III at Jagadalpur. However, the 5th respondent, who is the reporting officer at Jagadalpur, issued the impugned show cause notice dated 8.11.2013, directing the applicant to furnish his explanation to the proposed termination of service on the grounds of being recruited to the post of Health & Malaria Gr.III on the basis of one year Diploma in Public Health & Sanitation Technology awarded by Institute of Public Health & Hygiene, New Delhi, which is said to be not acceptable as qualification for the post of Health & Malaria Inspector Gr.III in Railways. It is submitted that the applicant had made a detailed representation dated 16.11.2013 to the 5th respondent, which is pending with the respondent authorities and not yet been attended to.

3. Respondents have filed a detailed reply, opposing the contentions of the applicant. It is contended by the respondents that as the applicant did not possess the prescribed qualification and no equivalence as sought, the O.A. lacks bonafides and hence the same is liable to be dismissed.

4. Heard Sri M. Venkanna, learned counsel for the applicant and Sri S.M. Patnaik, learned Standing Counsel for the respondents. Perused the pleadings and the material papers placed before us.

5. The issue in regard to certificate in Public Health & Sanitation Technology issued by the Public Institute of Public Health & Hygiene, New

Delhi had been adjudicated by this Tribunal in O.A. No.1360/2012 dated 30.10.2013 and opined as under:

09. Admittedly one of the qualifications required for the post of Health & Malaria Inspector Gr.III is one year Diploma in Health & Sanitary Inspector besides Degree in B.Sc. Chemistry. The applicant has fulfilled the B.Sc. Degree qualification, but in respect of one year Diploma in Health & Sanitary Inspector, he produced the Diploma certificate in Public Health & Sanitation Technology awarded by Institute of Public Health & Hygiene, New Delhi. But the authorities have rejected the eligibility of the applicant on the ground that the Diploma certificate produced by the applicant is not equivalent to one year Diploma in Health & Sanitary Inspector prescribed as one of the qualifications to the post. It is not in dispute that on the earlier occasion, the applicant appeared for the walk-in-interview for the post of Health & Malaria Inspector on contract basis and at that time the 2nd respondent has sought for clarification vide letter dated 21.2.2012 to the Controller of the examination, Central Office, Training Centre, RZ-A, New Delhi seeking clarification as to whether the Diploma certificate produced by the applicant issued by the Institute is authorized to Diploma in Health & Sanitary Inspector course, which was prescribed qualification for the qualification for the post of Health & Malaria Inspector in the Indian Railways. After getting necessary clarification from the Institute and on being satisfied about the qualification of the applicant, he was engaged on contract basis on consolidated remuneration. In pursuance of appointment the applicant has been working on contract basis. It shows that the respondent authorities recognized the Diploma certificate produced by the applicant as equivalent qualification for the post of Health & Malaria Inspector on contract basis.ö

After hearing the counsel for the parties, this Tribunal gave an observation which reads as under:

011. In O.A. 806/2013, when the applicant questioned the validity of Diploma in Public Health & Sanitation Technology awarded by Institute of Public Health & Hygiene, New Delhi, the respondent authorities have filed their reply stating that there are no instructions from the Railway Board to Railway Recruitment Board, Secunderabad that the Diploma in Public Health & Sanitation Technology by the Institute of Public Health & Hygiene, New Delhi is not acceptable. They also further stated that RRB is not in receipt of any instructions regarding derecognition. From this it is clear that the authorities have accepted the Diploma certificate in Public Health & Hygiene, New

Delhi in the case of others. As such, the reason furnished by the respondents in the impugned order for rejecting the eligibility of the applicant on production of Diploma certificate in Public Health & Sanitation Technology by the Institute of Public Health & Hygiene, New Delhi in lieu of one year Diploma in Health & Sanitary Inspector is not at all valid and justified.ö

Thereafter, the Tribunal passed the following order:

ö12. In view of the above circumstances, the impugned order dated 15.11.2012 wherein rejecting the Diploma in Public Health & Sanitation Technology awarded by Public Health & Hygiene, New Delhi submitted by the applicant is equivalent to one year Diploma in Healthy & Sanitary Inspector prescribed as one of the qualifications for direct recruitment to the post of Health & Malaria Gr.III in Railways is quashed and set aside with a direction to the authorities to finalize the selection of the applicant by treating the Diploma certificate produced by the applicant as equivalent to one year Diploma in Health & Sanitary Inspector as one of the qualifications for the post, granting six weeks time to the respondents for compliance.

13. In the result, OA is allowed accordingly. No order as to costs.ö

6. The issue before us to decide is as to whether the certificate in Public Health & Sanitation Technology issued by the Institute of Public Health & Hygiene, New Delhi is a valid one. The issue is settled in depth by this Tribunal in O.A. No.1360/2012 (supra). Accordingly, we direct the respondent authorities to verify whether the case of the applicant is similarly situated and if the order passed by this Tribunal on 30.10.2013 in O.A. No.1360/2012 is implemented, the same benefit may be extended to the applicant.

7. With the above observation and direction, the O.A. is disposed of. MAs No. 855/2016, 477/2017 & 478/2017 shall stand disposed of. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)
pv

(MANJULA DAS)
MEMBER (JUDL.)

