
(2020) 11 CAT CK 0014

In the Central Administrative Tribunal

Case No : Original Application No. 1195, 436, 437, 1196 Of 2020

Abir Chandan Barai & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 04-11-2020

Acts Referred:

Citation : (2020) 11 CAT CK 0014

Hon'ble Judges : L. Narasimha Reddy, J;Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : B.K. Singh, Kumar Onkareswar, Satish Kumar, U. Srivastava

Final Decision : Disposed Of

Judgement

L.Narasimha Reddy, J

1. In this batch of OAs, the applicants are the candidates who responded to a notification issued by the Staff Selection Commission in the year 2017

for the post of Chemical Assistants in the Central Revenue Laboratory â?" 1st respondent herein. They took part in the examination conducted for this

purpose and they were otherwise eligible to be selected on the basis of the marks secured by them. However, the respondents did not select them on

the ground that they did not hold the qualifications stipulated for the post. In this batch of OAs, the applicants, have challenged the very vires of the

advertisement. They have also sought directions for considering their cases by treating them as qualified.

2. Though various pleas are taken in the OAs, the challenge to the vires of the advertisement is given up, during the course of the arguments, the only

plea that remains to be dealt with is the one, about the eligibility of the applicants to be considered for the post.

3. The applicants contend that though they possess the requisite qualifications, the respondents did not make proper verification of the same, and have come to a wrong conclusion. It is also stated that the applicants have submitted the relevant material and the respondents are not taking the same into account.

4. We heard Sri B.K.Singh, learned counsel for the applicants and Sh.Kumar Onkareswar, Sh. Satish Kumar, Sh. R.K.Sharma, Sh. G.S.Virk and Sh.S.N.Verma, learned counsel for the respondents.

5. The dispute in this batch of OAs is as to whether the applicants have fulfilled the conditions stipulated in the notification. The qualifications are stipulated as under:

(a) Bachelor's Degree in Chemistry from a recognized University or Institute.

6. There is no controversy about the applicants holding the bachelor degree in Chemistry, from the recognized University. The dispute is about the nature of their experience in the Chemical analysis of Research. All of them are said to be having experience while undergoing study in PG as well as

in the Industrial units established by the listed private sector organizations. In this behalf, we intend to make a reference to the common order dated

07.20.2020 passed in OA.2738 and 2739 of 2019. It was categorically held that the experience claimed by the candidates during the study cannot be

taken into account. It was also held that the experience shall be in the Industrial Units in the listed companies and not any unlisted companies.

7. In the instant case, much of the controversy is about the identity in the industrial establishments where the applicants claimed to have worked as

well as their nature of experience. So far as the identity is concerned, the respondents have to rely upon the certification issued by the concerned

companies. From the arguments advanced before us, we find that the certification was not accurate as evident from the names of the establishments.

The applicants claims to have furnished material, in support of their plea that the establishment where they worked is of a listed private company. If

any material useful for the purpose of identifying the establishment is available, the same can certainly be placed before the concerned authority.

8. We, therefore, dispose of the OAs directing that

(a) The experience of the applicants in any University other than the one during the period of study, shall be taken into account, if it is in the field,

stipulated in the notification.

(b) If the applicants have any material as regard the identity of the listed company, where they worked, it shall be open to them to supply it to the

concerned authority, who in turn shall verify the same and pass appropriate orders within four weeks from the date of receipt of the order.

There shall be no order as to costs.