

(2013) 01 DEL CK 0134

In the Delhi High Court

Case No : Writ Petition (C) No. 5807 of 2011

Chander Dev

APPELLANT

Vs

Delhi Transco Ltd. and Another

RESPONDENT

Date of Decision : 15-01-2013

Acts Referred:

Citation : (2013) 4 AD 512

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : Apurb Lal, for the Appellant; Biji Rajesh, Advocate with Mr. Gaurang Kanth, Advocate for respondent No. 1 and Ms. Avnish Ahlawat, Advocate with Ms. Latika Chaudhary, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Valmiki J Mehta, J.—By this writ petition the petitioner seeks the relief of direction to the respondents to condone the delay of the petitioner in submitting the certificate of experience for the post of Sub Station Attendant (Grade-II) and with respect to which post petitioner had applied through the regular recruitment process, but was denied employment on the ground of failure to submit the requisite experience certificate within the twice extended cut off date. At the outset, I was inclined to condone the delay of 22 days in giving experience certificate inasmuch as I thought that a humanitarian view can be taken because once extensions were granted to the petitioner, then, there was no reason why a technical view be taken in not condoning the delay of 22 days. However, I have examined the record brought by the respondent No. 2 and the same shows that in fact the experience certificate does not meet the criteria of the experience certificate required for the post to which the petitioner had applied.

2. Indubitably, the advertisement dated 13.5.2008 for the post of Sub Station Attendant required the following:-

SUB-STATION ATTENDANT GR. II IN DELHI TRANSCO LIMITED POST

CODE-005/03

Number of vacancies: 16 (OBC-09, SC-05, & ST-02) Preference may be given to male candidates, as concerned employees have to work in substations in shift duties

Essential Qualifications: (i) Matriculation (with science) of a recognized University/Board (ii) National Trade Certificate of ITI in Electrician Trade (iii) One year's experience in the appropriate trade.

Pay Scale: 4000-100-7100/- Group-"C" Probation period: Two years Age Limit: Not exceeding 30 years (Relaxation in upper age limit for SC-05 years, ST-05 years and OBC-03 years and for Departmental candidates-05 years).

3. A reading of the aforesaid advertisement shows that what was required was one year's experience certificate in appropriate trade i.e. the trade has to be of the Sub Station Attendant. When we see the experience certificate dated 4.2.2007 given by a private employer to the petitioner, it shows that the petitioner never had any experience of one year as a Sub Station Attendant. This experience certificate submitted by the petitioner reads as under:-

SURINDER ELECTRICALS

CONTRACTORS & ENGINEERS

A-34, New Krishna Park, Near Dhouli Piao, Najafgarh Road, New Delhi-110018

Ref. No. 002016

Dated 4-2-07

TO WHOM SOEVER IT MAY CONCERN

This is to certify that Mr. Chander Dev S/o. Shri Ram Sakal, R/o. A-2, Gali No. 6, Raja Puri, Vishwas Park Extn., Uttam Nagar, New Delhi-110059 has worked as a "WIREMAN" with our organization from July 2004 to 31st Dec, 2006. During his period of service he was regular and his work was satisfactory.

He bears good moral character. He has left his job for better future prospects. We wish him a good luck for his future ventures.

For SURINDER ELECTRICALS

Auth. Signatory

4. A reading of the aforesaid certificate shows that the petitioner only had experience as Wireman and had no experience as Sub Station Attendant. It may be noted that respondent No. 1 is M/s. Delhi Transco Limited which has various sub stations and therefore the requirement for the post was one year experience as a Sub Station Attendant. The so-called experience certificate submitted by the petitioner is quite clearly inadequate for the requirement for the appointment to the post of Sub Station Attendant and which is a specific requirement as per the

subject advertisement.

5. In view of the fact that the petitioner does not meet the necessary requirement for the post of Sub Station Attendant, I need not go into the aspect of condonation of delay of 22 days. In view of the above, the writ petition is dismissed, leaving the parties to bear their own costs.