

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 1941/2002

New Delhi, this the 39<sup>th</sup> day of July, 2002

HON'BLE MR. KULDIP SINGH, MEMBER (J)  
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Jagdish Kumar,  
S/o Shri Ram Prasad,  
Aged about 33 years,  
Resident of: C/o Sunil Auto Electric Workshop,  
Main Dausa Road,  
Opp. Suraj Cinema  
Shop No.8, Najafgarh,  
New Delhi - 110 043

Earlier employed as:

Driver in the Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India, North Block,  
New Delhi

... Applicant

(By Advocate : Shri B.B. Raval)

Versus

1. Union of India  
Through : The secretary,  
Ministry of Home Affairs,  
Government of India  
North Block, New Delhi

2. The Director,  
Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India  
North Block,  
New Delhi - 1

... Respondents

(By Advocate : None )

ORDER

By S.A.T. Rizvi, Member (A) :

Applicant, who is an aspirant for the post of Junior Intelligence Officer Grade-II (JIO Gr-II), has offered his candidature for the post on three different occasions. At first, he applied in pursuance of an advertisement issued by the respondents in

(2)

November-December 1994. Thereafter, he applied again for the same post in pursuance of advertisements issued subsequently in August 1997 and again in July 1999. On failing to get selected for the post, the applicant approached this Tribunal through OA No.1663/2000 which was decided on 1.4.2002 (A-7) with a direction to the respondents to let the applicant know the reasons for his non-selection by passing a detailed order in respect of vacancies advertised in August 1997 and July 1999.

2. By the impugned memorandum dated 8.5.2002 (Annexure-A), the respondents have conveyed reasons for applicant's non-selection on both occasions.

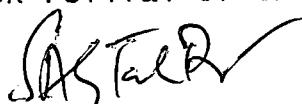
3. The learned counsel appearing on behalf of the applicant has submitted that the applicant was fully qualified for the post and besides had experience of working as Driver with the respondents themselves on casual basis from June 95 to April 1999. After passing the Secondary School Examination conducted by the Bihar School Examination Board, Patna, he had become qualified educationally as well. According to him, the impugned memorandum does not disclose cogent reasoning as to why his name did not figure in the list of eligible candidates drawn up by the respondents after preliminary screening of applications in respect of the 1999 examination. Similarly, according to him, the fact that the cut off mark for the OBC category was fixed by the respondents at 58 out of 100 had also not been made known before the driving test/interview held on 13.4.1998 in respect of the 1997 examination. Non-disclosure of such

(3)

information before hand is bad and is against law. In the circumstances, the memorandum in question stands vitiated and, according to the learned counsel, it deserves to be quashed and set aside and the respondents ~~are~~ directed to employ the applicant as JIO Gr-II (MT).

4. We have considered the submissions made by the learned counsel and have perused the material placed on record and find ourselves in agreement with the learned counsel that no cogent and convincing reasons have been assigned in the impugned memorandum dated 8.5.2002. However, instead of quashing and setting aside the said memorandum, we would like to give the respondents another opportunity to pass a supplementary order in continuation of the aforesaid memorandum bringing out therein proper and good reasons in support of rejection of the applicant's claim for appointment as JIO Gr-II (MT) particularly in relation to the examination held in 1999. This they should do expeditiously and, in any case, within a period of six weeks from the date of receipt of a copy of this order.

5. The OA is disposed of in the aforesated terms with this clarification that if the applicant is still aggrieved by the orders to be passed by the respondents as above, he will be at liberty to file a fresh OA or seek revival of the present OA in accordance with law.

  
(S.A.T. RIZVI)  
Member (A)

  
(KULDIP SINGH)  
Member (J)

/pkr/