



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 149/2020

New Delhi, this the 20th day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Pinnani Sandeep Kumar,
S/o Shri Pinnani Kotaiah,
Age 26 years,
Group A, Gazetted,
R/o: House No. 1-63,
12, Huzurnagar, Suryapet,
Telangana, 5082014.

...Applicant

(By Advocate: Mr. Utkarsh)

Versus

1. Union of India,
Through the Secretary,
Ministry of Personnel, Public Grievances &
Pensions,
Department of Personnel & Training,
North Block, New Delhi – 110001.
2. Department of Personnel and Training,
Through the Secretary,
North Block, Central Secretariat,
New Delhi, Delhi – 110001.
3. Ministry of Social Justice and Empowerment,
Through the Secretary,
Shastri Bhawan, Dr. Rajendra Prasad Road,
New Delhi – 110011.

...Respondents

(By Advocate: Mr. Shailendra Tiwari)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The applicant took part in the Civil Services Examination, 2016 by claiming the status of OBC. The results were declared and the selection process was taking place in the year, 2017. At that stage, the applicant did not satisfy the UPSC as regards his OBC Non Creamy layer status. Obviously for that reason, he was treated as candidate, within creamy layer and not as an OBC candidate.

2. The applicant states that when the respondents did not consider his case for allotment of service, he filed WP (C) No. 6114/2019 and the same was disposed of on 28.05.2019, leaving it open to him to make a representation and direct the respondents to consider the same, if made. This OA is filed stating that though he made a representation on 10.06.2019 to the respondents, no reply has been given so far, much less no action is taken. In this background he filed this OA with a prayer to direct the respondents to consider the representation dated 10.06.2019 to treat him as an



OBC Non Creamy layer candidate and to allocate him appropriate service.

3. We heard Mr. Utkarsh, learned counsel for the applicant and Mr. Shailendra Tiwari, learned counsel for the respondents.

4. The controversy is about the allocation of service to the applicant with reference to Civil Services Examination, 2016. The entire process was completed in the year, 2017 itself. There is nothing to show that the applicant has made any serious efforts at the relevant point of time. It is only in the year, 2019, he filed Writ Petition and it was disposed of with following observation:-

“ Vide the present petition, the petitioner seeks direction thereby directing the respondent to consider the petitioner as an OBC-NCL candidate. Further seeks direction directing the respondent to allocate the petitioner to an appropriate service by considering him as an OBC-NCL candidate.

Counsel appearing on behalf of petitioner has admitted on instruction that on not considering the case of the candidate as OBC-NCL, he has not made any representation to the respondent.

Accordingly, I hereby dispose of the present petition giving liberty to the petitioner to make a representation to the respondent, within two weeks from today and the same shall be decided by the respondent, within two weeks thereafter.

The petition is disposed of accordingly.



I hereby make it clear that if the petitioner is still aggrieved by the decision to be taken by the respondent, he may challenge the same before the Central Administrative Tribunal.

Orderdasti.”

5. On the basis of the observation made by the Hon'ble Delhi High Court, the applicant made a representation on 10.06.2019. If the same is not considered the remedy open to the applicant is to approach the Hon'ble Delhi High Court by filing a contempt case. The OA cannot be maintained for the exclusive purpose of implementation of the order passed by the Hon'ble Delhi High Court.

6. The OA is, accordingly, dismissed. There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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