



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 1788/2015

This the 20th day of February, 2020

**Hon'ble Mr. Ashish Kalia, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Bhim Bahadur Singh, Age-39
S/o Sh. Ghanshyam Prasad Singh,
Sub-Appointment, Group-B, UDC
R/o H-441, Kalibari Marg,
New Delhi-01

...Applicant

(By Advocate: Sh. U. Srivastava)

VERSUS

Union of India through

1. The Secretary,
Ministry of Home Affairs
North Block, New Delhi
2. The Secretary,
Ministry of Personnel, PG & Pension
DOP&T, 3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi
3. The Regional Director (NR)
Staff Selection Commission
Block No. 12, CGO Complex,
Lodhi Road, New Delhi

...Respondents

(By Advocate: Sh. Acharya Santosh Prasad
Chaurasiya)

ORDER (Oral)

Hon'ble Mr. Ashish Kalia, Member (J):

In the present Original Application, following reliefs have been sought:-

“(a) Directing the respondent to place the relevant records pertaining to the present O.A. before the Lordships for the proper adjudication in the matter in the interest of justice and thereafter;

(b) Directing the respondent No. 1 to forward the request of the applicant to the DOP&T for further necessary action and providing justice to the applicant as the applicant has been victimized by not allowing to take Special Limited Departmental Competitive Examination, 2012, despite specific and very categorical relaxation granted by DOP&T vide their OM dt. 11.07.12.

(d) Allowing the O.A. of the applicant with all other consequential benefits and costs.

(e) Any other fit and proper relief may also be granted to the applicant.”

2. The applicant initially applied for the post of LDC in the year 1996. But actual appointment was given on 03.07.2000, due to completion of all formalities. On 18.05.2007, he was promoted to the post of UDC on adhoc basis. Thereafter, he wanted to appear in the examination, which was conducted by the respondents in the year 2012. Though the applicant was not having requisite length of service, he has approached the respondents with similar grievance. The department, i.e., Ministry of Home Affairs vide Office Memorandum



dated 10.07.2012 (Annexure A/5) has considered the applicant's request, which reads as under:-

"xxx xxx xxx"

2. Such LDCs are falling short of qualifying service of 4 years for appearing in Special Limited Departmental Competitive Examination, 2012. Since all other LDCs of Select List 1996, from other Ministries/Departments, who joined service earlier are eligible for this Exam, it does not seem fair to disqualify the LDCs of SL 1996 of MHA from this Exam as the delay in their joining service was not in any way, can be attributed to them. This was purely due to comprehensive pre-appointment formalities specific to MHA.

xxx xxx xxx"

Thereafter, this matter has already been considered by DOP&T vide Office Memorandum dated 11.07.2012, which reads as under:-

"xxx xxx xxx"

2. The matter has been examined in this Department. Shri Bhim Bahadur Singh, LDC joined MHA on 03.07.2000 due to delay in pre appointment formalities, which cannot be attributed to the delay on his part. As per the provisions of Rule 24-A of the CSCS Rules relaxation in this regard may be granted by the cadre authority to Shri Bhim Bahadur Singh to appear in the UD Grade Special Departmental Competitive Examination, 2012 for filling up the vacancies of Select List year 2003 (extended). No objection of this Department in the matter is conveyed herewith."

But still the applicant has not been given relaxation as required, so he made a detailed



representation on 23.02.2015 (Annexure A/11) to the respondents, which is still pending.

3. Learned counsel for the applicant suggested this Tribunal that this application well meets the need of justice without any hesitation to direct the respondents to pass a speaking order on the applicant's representation.

4. We hereby dispose of this OA by directing the respondents to consider the applicant's representation dated 23.02.2015 by way of passing a reasoned and speaking order within a period of 60 days and communicate to the applicant in accordance with law.

5. In view of aforesaid directions, the OA stands disposed of. No order as to costs.

(Mohd. Jamshed)
Member (A)

(Ashish Kalia)
Member (J)

/akshaya/