

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 881 OF 1995

(2)

New Delhi, this the 15th day of May, 1995

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN  
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Laxmi Narayan  
S/O Fateh Singh,  
R/O 3, Gautam Vihar Colony,  
Narela, Delhi.

... Applicant

(By Advocate Shri N. M. Popli)

Versus

Staff Selection Commission  
through its Secretary,  
Block No.12, CGO Complex,  
Lodhi Road,  
New Delhi - 110003.

... Respondent

O R D E R (ORAL)

Shri Justice S. C. Mathur -

The applicant, Laxmi Narayan, seeks quashing of the order dated 20.4.1995 and a direction to the respondents to declare the entire select list for the post of Head Constable.

2. According to the averments made in the application, the applicant was appointed as Constable on 11.2.1982. Thereafter, certain vacancies became available in the cadre of Sub Inspector of Police for which selection was held through written examination, physical test and interview. The written examination was held on 18.6.1989 and the applicant was successful thereat. The physical test was held on 30.10.1989 at which also the applicant was successful. The interview was held on 24.10.1989. The respondent sent a list of only eleven candidates describing them as successful. The

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applicant's grievance was that the respondent should have sent the list of all the successful candidates and the respondent had no right to withhold the result of the remaining candidates. With this grievance, the applicant filed an Original Application (O.A. 3000/92) in the Tribunal which was dismissed as time barred. Against the order of the Tribunal, the applicant preferred Special Leave Petition before their lordships of the Supreme Court which was rejected on 23.8.1993. The applicant thereafter preferred a review petition which was disposed of on 30.3.1994. The order on the review petition reads as follows :-

"We find no ground to interfere. The review petition is dismissed. However, we clarify that the dismissal of the special leave petition by this Court shall not stand in the way, in case, the competent authority entertains and considers any representation of the petitioner and disposes it of in accordance with law."

Taking advantage of the above observation, the applicant made representation to the Chairman, Staff Selection Commission on 2.6.1994, Annexure P-IX. The Under Secretary to the Commission gave the following reply through letter dated 20.4.1995 :-

"With reference to his representation dated 3.2.95, on the above subject, Shri Laxmi Narain is hereby informed that the Commission had already examined his case on earlier occasions and the position was intimated to him vide Commission's Memorandum No. 8/5/89-Rectt.(HQ) (Vol-IV) dated 21/23.5.90 and Memorandum No. 11/8/89-C.II (Vol.I) dated 19.3.91. Copies of these letters are enclosed once again."

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3. The submission of the learned counsel for the applicant is that the disposal of the representation is not in accordance with the directions contained in the order of the Supreme Court dated 30.3.1994. In particular, it is submitted that the direction was to dispose of the representation in accordance with law. The learned counsel has cited **Neelima Shangla vs. State of Haryana : (1986) 4 SCC 268** in support of the proposition that the Commission is not entitled to withhold the names of the candidates selected. On this basis, it is submitted that the disposal of the representation is not in accordance with law laid down by their lordships of the Supreme Court.

4. In their order dated 30.3.1994, their lordships observed that the representation shall be disposed of if the competent authority entertains the same. The order of the Commission dated 20.4.1995 shows that the applicant's representation was not entertained. Accordingly, the question of deciding the same in accordance with law does not arise.

5. Further, by the observation in pursuance whereof the applicant preferred the representation, their lordships did not intend to re-open a closed chapter through judicial proceedings. So far as judicial proceedings are concerned, they came to an end with the order of their lordships. Their lordships permitted the applicant to knock the doors of only the administrative authority.

6. In view of the above, the application lacks merit and is hereby dismissed in limine.

P. T. Thiruvengadam

( P. T. Thiruvengadam )  
Member (A)

S. C. Mathur  
Chairman

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