

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. NO. 1124 of 1995

New Delhi this the 6th day of July, 1995

Hon'ble Mr. Justice S.C. Mathur, Chairman
Mr. K. Muthukumar, Member

Shri Dharmendra Kumar Tripathi
R/o 9 (SF) Swasthya Vihar Apartments,
Delhi-110092.

Applicant

By Advocate S/Shri O.P. Malviya and
R.R. Rai

Versus

1. Chairperson and Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi-11.

2. Union of India
through Secretary,
Min. of Personnel, Public
Grievances & Pensions,
Government of India,
North Block,
New Delhi-110001.

3. The Director General (P) and Chairman,
Postal Service,
Dak Bhawan,
Sansad Marg,
New Delhi-110001.

4. Senior Post Master,
Krishan Nagar,
Delhi-110051.

Respondents

Shri P.H. Ramchandani, Counsel for respondent Nos. 1
and 2.

Shri O.P. Malhotra, Assistant Superintendent, Post Offices
on behalf of respondent Nos. 3 and 4.

ORDER (ORAL)

Mr. Justice S.C. Mathur, Chairman

This O.A. was filed during vacation and it came
up before a Single Bench on 23.6.1995 when notice was
directed to be issued to the respondents to file reply.
There are 4 respondents in the original application, namely,
Chairperson and Secretary, Union Public Service Commission,
Union of India through Secretary, Ministry of Personnel,

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Public Grievances and Pensions, Government of India, The Director General (P) and Chairman, Postal Services and Senior Post Master, Krishan Nagar, Delhi. In response to the notice issued, Shri P.H. Ramchandani has put in appearance on behalf of respondents 1 and 2. A counter-affidavit sworn by Shri Hukam Chand, Under Secretary in the office of the Union Public Service Commission has been filed.

The applicant wanted to be a candidate at the Civil Services (Preliminary) Examination, 1995. A candidate desiring to take the examination was required to submit application on the prescribed format affixing thereon stamps worth Rs.40/-. The applicant was denied admission to the examination on the plea that he had not affixed stamps worth Rs.40/- on his application. The applicant challenged the action of the Union Public Service Commission through the instant O.A. asserting that the plea that he had not affixed two stamps of requisite value was incorrect and that he had, in fact, affixed stamps worth Rs.40/- on the application. In support of the plea, he filed Annexure-D, which is photo-copy of the acknowledgement given on behalf of the Union Public Service Commission in respect of the applicant's application. In this Annexure, it is mentioned "CR-40/-". Thus, this receipt contains an acknowledgement on behalf of the Union Public Service Commission that the applicant had submitted application together with stamps of the value of Rs.40/-

In the counter-affidavit, genuineness of the receipt, Annexure-D is not disputed. It is also not disputed that the receipt issued to the applicant contains the endorsement "CR-40/-". It is asserted that this

endorsement had been made incorrectly and inadvertantly by a junior level officer in the Commission. It has been explained in paragraph 3 of the counter-affidavit that the applications received in the Commission are checked at as many as six levels and the applications which do not conform to the requirements and guidelines, are summarily rejected. It is pointed out that it was at one such checking that it was found that the applicant's claim made in the application that he had affixed stamps worth Rs.40/- was incorrect and that the application bore stamps worth Rs.4/- only.

At the stage of hearing, the learned counsel for the respondents, produced before us the original application submitted by the applicant. We examined the applicant on oath today. He admitted that the application produced by the learned counsel for the Commission was submitted by him and it bore his photograph and signature. He stated that he had not himself affixed any stamp on the application and that he had given the application to the counter clerk at the Post Office and it was the counter clerk, who had affixed the stamps. He has further stated that he did not check the value and the number of stamps put by the postal clerk and he has submitted the application in the office of the Commission in the state it was returned to him by the postal clerk. In view of this statement, it is not possible for the applicant to make a positive assertion that his application actually bore stamps worth Rs.40/-. The original application produced before us does not contain any interpolation or tampering. Therefore, there is no scope for substitution of stamps worth Rs.40/- by stamps worth Rs.4/-. It is, therefore, apparent that the application did not fulfil the requirement of bearing stamps worth Rs.40/-.

In the counter-affidavit, reference has been made to the instructions given to the candidates for filling the examination form. The instructions, as produced in paragraph 9 of the counter-affidavit, read as follows:-

"(a) Note II below para 5 relating to Fee

Applications not accompanied by the prescribed fee (unless remission of fee is claimed) shall be summarily rejected.

(b) Note II below para 6 relating to "How to apply"

Incomplete or defective application shall be summarily rejected. No representation or correspondence regarding such rejection shall be entertained under any circumstances.

(c) Para 6 of Appendix II relating to "Guidelines for filling up the Application Form"

Applications which are illegible or are incompletely or incorrectly filled, or are not accompanied by the prescribed fee and enclosures shall be summarily rejected". (Emphasis Supplied)

In view of the above instructions, no error was committed by the Commission in rejecting the applicant's application.

Learned counsel for the applicant vehemently submitted that even assuming that the application was defectively stamped, it was a case of bona fide mistake and should be ignored. Our attention has not been drawn to any law or direction under which the error or mistake could be condoned or overlooked. It needs to be pointed out that thousands of candidates apply for the prestigious Civil Services Examination. If every error is sought to be

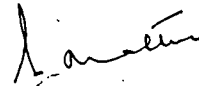
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condoned in the manner suggested by the learned counsel, it will be difficult for the Commission to hold examination according to the schedule declared by it.

In view of the above, the application lacks merit and is hereby dismissed but without any order as to costs. The interim order, if any, operating stands discharged.



(K. MUTHUKUMAR)
MEMBER (A)



(S.C. MATHUR)
CHAIRMAN

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