

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1551/96, with OA 1553/96 and OA 1575/96

New Delhi, this 28th April, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri S.P. Biswas, Member(A)

Shri Randhir Singh Dabas
s/o Shri Raj Singh Dabas
3-G, Double Storey, Parliament Street
New Delhi .. Applicant in OA 1551/96
(By Shri Shri B.K. Singh, Advocate, not present)

Shri Rishi Kumar
s/o Shri Hardwari Lal
Vill. Tila Shahbajpur, P.O. Loni
Ghaziabad (UP) .. Applicant in OA 1553/96
(By Shri U. Srivastava and Shri M.K. Gaur, Advocates)

1. Mahesh Kumar Saxena
G-14, Police Colony
Parliament Street, New Delhi
2. Nar Singh
III Ind Bn. DAP Delhi Police
Kingsway, Delhi
3. Naresh Kumar
Flat No.1, Type III, New Police Colony
Punjabi Bagh, New Delhi .. Applicants in OA 1575/96
(By Shri Ashish Kalia, Advocate)

versus

Union of India, through

1. The Secretary
Staff Selection Commission
CGO Complex, Lodi Road, New Delhi
2. Dy. Director (NR)
Staff Selection Commission
CGO Complex, Lodi Road, New Delhi
3. The Secretary
Ministry of Personnel
New Delhi (in OA 1551 and 1553/96 only) .. Respondents
(By Advocate Shri K.R. Sachdeva)

ORDER

Hon'ble Shri S.P. Biswas

The applicants - five in number in these three Original Applications - are aggrieved by the order dated 29.5.96 of the respondents by which their candidature for written examination against the post of Sub-Inspector in Delhi Police have been rejected. The facts of these cases, reliefs sought and the legal issues involved are the same in all the three OAs and hence

they are being disposed of by a common order. The facts and circumstances in OA 1575/96 have been referred to herein for the purpose of deciding these applications.

(8)

2. The facts of the case that lead to the filing of these applications are stated briefly. Pursuant to the advertisement dated 9-15-3-96 in the Employment News, all the applicants applied through requisite forms for the post of Sub-Inspector in Delhi Police as departmental candidates. The examination was scheduled to take place on 28.7.96 and the last date for filing in the applications was 29.3.96. The basis on which their candidatures were rejected, as submitted by the respondents, is that:

"age relaxation certificate was not attached from the competent authority".

The short issue for consideration is whether the applications, claimed to have been submitted in time, merited rejection on the basis of submission of incomplete documents in respect of age relaxation admissible in the case of departmental candidates. As per the advertisement issued by the respondents for recruitment of Sub-Inspectors in Delhi Police, 1996. (Annexure A-4) we find that the documents that need to be submitted by the applicants have been clearly stipulated in para 27 of the said advertisement. Candidates are required to submit attested copies of various certificates/documents in support of their claims for educational qualification, category, age relaxation etc. The conditionality, relevant for the purpose of present cases, reads as follows:

3
"23(8) Documents in support of claim of age relaxation (for categories of candidates not covered in item 7 above);

An application will be summarily rejected at any stage of the recruitment process for not conforming to the official format/having incomplete/wrong information/misrepresentation of facts/left unsigned/submitted without fee where due/without a signed photograph pasted at the appropriate place/not accompanied by attested copies of certificates, showing educational qualification, age and category (SC/ST/Ex-S/OBCs) or for submitting more than one application;

In terms of para 3(iii) of notice of examination, constables/Head constable (ASI) with a minimum of 5 years service as on 29.3.1996 were eligible to apply as departmental candidates subject to fulfilling all other qualification"

4. The applicants would submit that they fulfill all the essential and desirable qualifications mentioned in the advertisement for the post. What was required in their case; was age "relaxation certificate" and that was to be given by the department itself alongwith the confidential dossiers of the candidates and the department had annexed the certificates accordingly. The impugned order has been issued in a mechanical manner without application of mind, argued the counsel for applicants.

5. On the contrary, respondents have submitted that there was no proof, whatsoever, regarding seeking upper age relaxation as departmental candidates. The Commission rejected the candidatures in terms of the instructions contained in Annexure 2 to the notice.

6. Since the materials on record available before us did not reveal the details of the documents submitted by the individual applicants, we called for the relevant files from the Commission alongwith annexures for our

perusal. From the original applications filed by individual applicants before the respondents for the said examination, we find that all conditions laid down have been fulfilled by Shri Rishi Kumar (OA 1553/96). Not only this applicant has submitted the "undertaking" but also the most important certificate, i.e. the age relaxation document duly certified by the Controlling Police Officer as demanded by the respondents especially in Column No.6(iii) of the form itself. In the case of Shri Randhir Singh Dabas (applicant in OA 1551/96), the conditionality in para 23(9) has been complied with by submission of an undertaking but the document in support of the claim of age relaxation is admissible for departmental candidates as per para 23(8) of the advertisement as well as Column 6(iii) of the application form has not been provided. Whereas in the case of Shri Saxena and others (OA 1575/96) none of the two conditions in para 23(8) and 23(9) have been complied with.

7. Learned counsel for the applicants submit that it was the duty of the respondents to check up whether the application is complete in all respects at the time when these were submitted at the counter and that it was not a mandatory requirement to produce age relaxation certificate in the case of the candidates as the applicants had already mentioned about their date of birth in the application form itself. That apart, details of individual application forms were adequate enough to indicate that they are departmental candidates and should have been provided with age relaxation at the level of respondents themselves as per admissibility.

8. We have carefully considered the submissions and perused various records thoroughly. The applications submitted by applicants in OA 1551/96 and OA 1575/96 are not complete in terms of the advertisement for the post for which they have applied. We find in note (ii) in para 23 of the advertisement, it has been stated that unsigned and incomplete application will be rejected summarily. These OAs deserve to be dismissed as documents required for the purpose of scrutiny of the applicants were not supplied in full as per the advertisement for the said posts.

9. The application in OA 1553/96 merits consideration since all the documents were supplied and the application was rejected on account of lapses on the part of the respondents. In consideration of the facts and circumstances brought out in OA 1553/96, we are of the considered view that interest of justice demands direction being given to the respondents to hold supplementary test for the applicant therein for the post of Sub-inspector within a period of one month after giving the applicant 10 days prior notice and if he qualifies the written test and interview, resultant benefit should be given to him. We make it clear that we have given this direction after taking into account the peculiar circumstances of the case and the failure on the part of the respondents.

10. In the result, OA 1553/96 is allowed with direction as aforesaid and OA Nos. 1551/96 and 1575/96 are dismissed on merits. No costs.

(S.P. Biswas)
Member(A)

(Dr. Jose P. Verghese)
Vice-Chairman(J)

/gtv/

A. Hester

KLF
CPC
30/1/97