

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

DA NO.1802/96

(3)

New Delhi this the 16th day of October, 1996.

HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A).
HON'BLE SHRI T.N. BHAT, MEMBER (J).

Shri Sanjay I. Bara
C/o Dr. V. Lakara
Resident of Hainiman Homoeo Hall
Dangra Toli,
Ranchi-834 001

..... Applicant

(By Advocate Shri Harvir Singh)

Versus

1. Union of India
Ministry of Personnel,
Public Grievances and Pensions,
Dept. of Personnel & Trg.
North Block, New Delhi.

Through its Secretary

2. Union Public Service Commission
Dholpur House, Shahjahan Road,
New Delhi.

Respondents

(By Advocate Shri M.M. Sudan)

ORDER (ORAL)

HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

In this case, the pleadings are complete. This case was taken up for disposal at the admission stage itself with the consent of the parties.

2. A short question involved in this case is whether the applicant, who was a candidate for Civil Service (Main) Examination 1994, could be denied the candidature on the basis of the impugned order of the Respondents No.1 dated 1.12.95 in which it has been stated that a candidate who was allocated or appointed to the Group 'A' service on the basis of the Civil Services Examination held in 1992 is not eligible to appear in the Civil Services Examination, 1994.

V P.T.O.

(A)

3. The brief facts relevant are that the applicant had qualified in the Civil Services Examination, 1992 but the offer of appointment was not given ~~pending examination~~. However in April 1994, Respondent No.2 ^{made} an offer of appointment to the applicant in the Indian Civil Services Group 'A' on the basis of the result of Civil Services Examination, 1992. Meanwhile the applicant had already applied for Civil Services Examination 1994 on 8.2.94. The applicant had, however, applied for this examination within the time prescribed. In the meanwhile the applicant was a candidate for 1993 examination also and he was selected for Group 'B' post on the result of the above examination which he did not accept. The respondents accepted the refusal of applicant to an offer of appointment on the basis of the result of 1992 examination. His appointment stands cancelled w.e.f. 7th June 1994, ^{On} the basis of the application for 1994 Civil Services Examination. He appeared for preliminary examination 1994 and he ~~was~~ appeared in the main examination in December, 1994 and after successful interview, his result for 1994 examination was also announced and he had qualified the said examination as per the result annexed as per Annexure A-6. However, subsequently the applicant has been served the ^{intimated} ~~appropriate~~ order cancelling his candidature in the Civil Services Examination 1994.

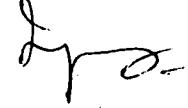
4. Ld counsel for the applicant submits that this is already a covered matter in OA 1442/95 Shri P.N. Pandey Vs. UOI decided on 28-2-96 and another similar matter (OA 2086/95 ^{which} has also been disposed of, allowing the application in respect of the candidate for the Civil Services Examination in 1995. This position has already been accepted by the learned counsel for the respondents.

(5)

5. In the light of the above submissions made by the respondent's counsel, we allow this application and quash the impugned order and the respondents are directed to consider the case of the applicant for appointment ^{according to his merit} ~~as~~ the appropriate services in the aforesaid examination ^{in his position}. In the circumstances there will be no order as to costs.

16.10.96
(T.N.BHAT)

Member (J)


(K. MUTHUKUMAR)
Member (A)

cc.