

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No.1902 of 1996
New Delhi, dated this the 25th February, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Rajan Kumar Johari,
S/o Shri M.P. Johari,
R/o J-145, Sarojini Nagar,
New Delhi-110023. APPLICANT

(By Advocate: Shri I.C. Sudhir)

VERSUS

1. Union Public Service Commission,
through the Secretary,
Govt. of India,
Dholpur House,
Shahjahan Road,
New Delhi-110011.
2. Ministry of Food,
through the Secretary,
Dept. of Food,
Krishi Bhawan,
New Delhi-110001.
3. Ministry of Personnel, Public Grievances
and Pensions,
Dept. of Personnel & Training,
through the Secretary,
North Block,
New Delhi. RESPONDENTS

(By Advocate: Shri P.H. Ramchandani)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicant impugns respondents order dated 31.7.96 (Ann. A-1) cancelling his candidature for S.Os Grade Exam., 1994 and 1995 and debarring him from all examinations to be held by them for three years w.e.f. 8.3.96.

2. Applicant was visited this penalty because in the prescribed columns of Exam. Form for S.Os Grade Exam., 1994 covering details of employment he claimed to have been a permanent Assistant since 1.2.89 which made him eligible to appear in that Exam., but on

subsequent verification it was detected that he was only an ad hoc Asst. w.e.f. 1.2.89 and was appointed on regular basis only on 12.10.92 which made him ineligible to appear in that Exam.

3. DOPT's Notification dated 13.7.96 (Ann. IV) notifying rules for the conduct of the said Exam. provides in Rule 7 thereof that a candidate who has been declared by the Commission to be guilty of making statements which are incorrect or false or suppressing material information in addition to rendering himself liable to criminal prosecution may be disqualified by the Commission from the Exam. for which he is a candidate and/or be debarred either permanently as for a specified period by the Commission from any Exam. or selection held by them. Respondents while imposing the impugned penalty have acted under the said Rule.

4. Applicant in his grounds has asserted firstly that he committed the error inadvertently and it was a bonafide mistake. Secondly he has contended that Rules 7 (a) and 7(b) are vitiated on account of double jeopardy, particularly when no error was found in his application for S.O. Exam. of 1993 and 1995.

5. The argument that the penalty is vitiated on account of double jeopardy is fit to be rejected straighaway, as Art. 20 of the Constitution has no application, action taken against the applicant not being prosecution.

6. In so far as the plea that the mistake was committed inadvertently is concerned, the applicant has put in service since, 1973 and it is difficult to accept his contention that he was not aware of the terms 'permanent', 'temporary', 'ad hoc', etc.

7. However, we note by the respondents impugned order his candidature for S.Os Grade Exam. was cancelled for the years 1994 and 1995, and he has been debarred from all examinations for a further period of three years w.e.f. 8.3.96. In other words he will be able to appear in examinations conducted by UPSC only after 8.3.99.

8. We dispose of this O.A. sanguine that in the event the applicant files a representation to the competent authority expressing sincere repentance and praying for review of the punishment imposed, respondents having regard to the penalty already undergone by the applicant will consider and dispose of that representation in accordance with rules, exercising due sympathy as expeditiously as possible.

9. This O.A. is disposed of in terms of para 8 above. No costs.


(DR. A. VEDAVALLI)
Member (J)
/GK/


(S.R. ADIGE)
Member (A)