

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 855 of 1996

6

New Delhi, dated the 22nd July, 1996

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Suman Sen Gupta,
S/o Shri Amitava Sen Gupta,
R/o KG-I/262, Vikaspuri,
New Delhill0018. APPLICANT

(By Advocate: Shri A.K. Behera)

VERSUS

1. Union of India through
the Secretary,
Ministry of Personnel,
Public Grievances & Pensions,
Dept. of Personnel & Training,
North Block,
New Delhi.
2. The Secretary,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi. RESPONDENTS

(By Advocate: Shri M.M. Sudan)

JUDGMENT

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

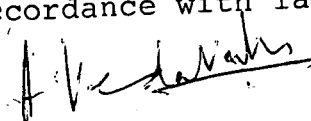
We have heard applicant's counsel
Shri A.K. Behera and the respondents' counsel
Shri M.M. Sudan.

2. The crux of the issue is whether
"allocation or appointment to the IPS/Group A
Service/Post" according to Rule 4(b) of the
Civil Services Exam. Rules means finally
allocated or appointed to a Group 'A'
Service. This very question had occasion to
be examined by the CAT, Principal Bench,
New Delhi in O.A. No. 1442/95 Pashupati Nath
Pandey Vs. UOI & Ors. and by judgment


dated 29.2.96, it was conclusively held that words "allocated or appointed" would mean 'finally allocated or appointed'.

3. Respondents' counsel has not shown any material for us to conclude that the said judgment dated 29.2.96 in Pashupati nath Pandey's case (Supra) has ever been challenged or that the said judgment is distinguishable on facts from the present case and under the circumstance we hold that the ratio in that judgment is fully applicable to the facts of the present case.

4. For the reasons set out in that judgment, which are fully applicable to the present case, this O.A. succeeds and is allowed to this extent that the Respondent No.2's letter dated 12.4.96 (Ann. A-1) cancelling the candidature of the applicant for the CSE, 1995 is quashed and set aside. By our interim order dated 26.4.1996 the Respondents had been directed to interview the applicant for CSE, 1995 provisionally but keep the results in a sealed cover till further orders. The Respondents are now directed to open the sealed cover, and to declare the result of the applicant in CSE, 1995 and in case on the basis of the said Exam. any service is allocated, to send the applicant for the Foundation Course in accordance with law. No costs.


(Dr. A. VEDAVALLI)
Member (J)

/GK/


(S.R. ADIGE)
Member (A)