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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

OA No. 1102/1997

New Delhi this the 15th day of May, 1998.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri K. Muthukumar, Member (A)

Sh. Baroruchi Mishra,
S/O Sh. S. N. Mishra,
R/O D2/3, Court Lane,
Raj Niwas Marg, Delhi-110052.

(By Advocate Shri K. C. Mittal)

.. Applicant

VS

1. Union Public Service Commission,
11, Dholpur House,
Shahajhan Road, New Delhi
through its Secretary.

2. The Union of India through
Secretary,
Ministry of Personnel, Public Grievances
and Pensions,
Dept. of Personnel and Training,
North Block, New Delhi.

.. Respondents

(By Advocate Sh. R. V. Sinha)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicant has challenged the order passed by the respondents dated 3.4.1997 disposing of his representation dated 30.5.1995 which, in fact, reiterated the position taken earlier in their letters dated 26.4.1995 and 16.5.1995. The applicant has sought quashing of the impugned orders and for a declaration of his results in the Civil Services Examination (CSE), 1994 (May, 1994). The applicant has challenged the validity of the cancellation of his candidature for CSE, 1994 based on the second proviso to Rule 4(b) of the relevant Rules. The applicant had also appeared for the second time in CSE, 1992 and was allocated to CISF, Group 'A' service. The applicant was also admitted to the preliminary and main examination for CSE, 1994 subject to his production of acceptance of the resignation letter from CISF service allocated to him on the basis of the CSE, 1992. In the background of these facts, this is the 4th application that the applicant has

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filed before the Tribunal praying for similar reliefs and quashing of the impugned orders passed by the respondents dated 26.4.1995 and 16.5.1995.

2. The applicant had filed OA 932/95 which he had withdrawn by order dated 23.5.1995. He then filed SLP in the Supreme Court which was also dismissed by order dated 05.6.1995. The applicant again filed OA 1049/95 before the Tribunal which was disposed of by the order dated 7.6.1995. In this OA also the applicant had prayed for quashing of the impugned orders dated 26.4.1995 and 14(16).5.1995 and for a direction to the UPSC to declare the results of the main CSE, 1994. In that OA, the Tribunal while stating that the subsequent OA seeking identical reliefs, when the earlier OA 932/1995 had been withdrawn, cannot be pressed had asked the UPSC to dispose of the applicant's representation after giving him an opportunity of hearing. In pursuance of this direction, the respondents have stated that the applicant was heard by the Secretary, UPSC. They have also submitted that they had communicated their decision to the Registrar, Principal Bench, CAT, New Delhi. Again, the applicant filed another OA in the Tribunal (OA 2659/96) wherein he had prayed that his representation dated 30.5.1995 has not been decided by the respondents despite a personal hearing. The respondents have submitted that they had already complied with the directions of the Tribunal by giving him a hearing and dealing with his grievance. His representation dated 30.5.1995 was also rejected by them and he was informed.

3. In the present OA, as mentioned above, the applicant has sought similar reliefs as he has prayed for in the earlier OAs 2659/96 and 1049/95. In para 7 of the present OA as well as in OA 2659/96, the applicant has categorically stated that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application

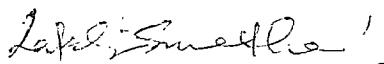
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has been made which facts are clearly incorrect and unwarranted in the facts and circumstances of the case. Shri R.V.Sinha, learned counsel, has also taken an objection that in the facts and circumstances, the application is highly belated and barred by limitation.

4. We have also heard Shri K.C.Mittal, learned counsel for the applicant. In OA 2659/96, the applicant had sought a direction to the respondents to dispose of his representation dated 30.5.1995 after giving him a personal hearing and the Tribunal had disposed of the OA by a direction to this effect. However, we find that in pursuance of the directions of the Tribunal dated 7.6.1995 in OA 1049/95, similar directions have also been given and in OA 2659/96 it was the duty of the applicant to bring these facts to the notice of the Tribunal which he has failed to do. He has committed the same error by giving a false declaration and statement of fact in para 7 of this OA also. From the facts given above, it is abundantly clear that the applicant has been filing repeated applications in the Tribunal for the same reliefs and hiding material facts, thereby misusing the process of law which, therefore, disentitles him to any relief. From these facts it is also seen that the application suffers from laches and delay and is highly belated and is barred by limitation as the reliefs sought are in respect of CSE, 1994.

5. In the result, for the reasons given above, the application fails and is dismissed. In the facts and circumstances of the case, costs of Rs.500/- is imposed against the applicant and in favour of the respondents, which on receipt, the respondents shall pay to the CAT Bar Association Library.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)