

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2704/1997

New Delhi this the 20th day of November, 1997.

(2)

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI S. P. BISWAS, MEMBER (A)

Shri Naresh Kumar Verma
S/O Shri Ram Kumar Verma,
R/O 302, Gautam Nagar,
New Delhi-110049.

... Applicant

(Applicant in person)

- Versus -

Union Public Service Commission
through its Secretary,
Dhaulpur House,
Shahjahan Road,
New Delhi-110011.

... Respondent

O R D E R (ORAL)

Shri Justice K. M. Agarwal,

Heard the applicant in person.

2. It appears that the applicant applied for one of the posts of Public Prosecutors in the Central Bureau of Investigation advertised by the Union Public Service Commission (UPSC). The applicant was not called for interview which commenced from 7.11.1997. The grievance of the applicant is that though he possessed all the requisite qualifications for the post, he was not called for interview. In the alternative, his submission was that he being a candidate belonging to OBC, some relaxation in the qualifications prescribed for the post ought to have been given.

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3. The essential qualifications required for the post were degree in law of a recognised university and seven years' experience at the Bar in conducting criminal cases. The applicant no doubt holds a degree in law of a recognised university, as would be evident from the various documents filed by him along with his application. In so far as the experience is concerned, he has relied on the notification dated 4.12.1993 (Annexure A-IV) issued by the District & Sessions Judge showing the name of the applicant as one of the advocates conducting criminal cases. From 1993 to the date of his application, the applicant does not appear to possess seven years' experience in conducting criminal cases.

4. The applicant then submitted that the UPSC has been accepting certificates issued by the Secretary of Bar Association in support of the fact that a particular advocate has seven years' experience in conducting criminal cases. He submitted that a certificate dated 2.6.1997 (Annexure A-III) issued by the Delhi Bar Association was submitted before the UPSC about his experience at the Bar, but that was not accepted. The certificate only shows that he was enrolled with the Bar Council of Delhi on 27.1.1989 and with Delhi Bar Association w.e.f. 4.12.1989. Although it mentions that the applicant had been practicing in criminal courts, nothing is mentioned about his experience in conducting criminal cases.

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Today the applicant filed before us letter dated 12.11.1997 issued by the UPSC asking him to produce documentary evidence from the competent authority about his seven years' experience in conducting criminal cases in courts from the Bar Association or from the courts where he practiced as an advocate on criminal side after the date of his enrollment. The applicant submits that this letter does not pertain to the post of Public Prosecutor but pertains to another post of Company Prosecutor Grade-II for which also he had made an application.

5. The documents placed before us do not show that any cogent or clinching document was produced before the UPSC to establish that the applicant has seven years' experience of conducting criminal cases in various courts. Under the circumstances, if the applicant was short-listed and not called for interview, we cannot find any fault with the UPSC. We find no merit in this application. Accordingly it is hereby summarily dismissed.

6. At this stage, the applicant submitted that he has not been properly heard. We may point out that on 19.11.1997 the applicant was given hearing. When we could not understand what he wanted to urge, the case was adjourned for today so as to enable us to go through the application and the various documents filed in support of it. Under these circumstances, we do not consider it necessary to give him any further

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detailed hearing. Accordingly, we find no substance in the grievance of the applicant that he has not been given proper or adequate hearing in his case. This O.A. stands summarily dismissed, as aforesaid.

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(K. M. Agarwal)
Chairman

S. P. Biswas

(S. P. Biswas)
Member (A)

/as/