

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.526 of 1997

New Delhi, this 27th day of June, 2000

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

9

Lalit Kumar
Vill. & PO Badli
Delhi-42

.. Applicant

(None present)

versus

Union of India, through

1. Secretary
Department of Revenue
Ministry of Finance
North Block, New Delhi

2. Secretary
Ministry of Personnel, Public Grievances
& Pensions
North Block, New Delhi

3. Regional Director
Staff Selection Commission
Army & Navy Building
IInd Floor
148, MG Road, Mumbai

.. Respondents

(None present)

ORDER(oral)

Smt. Shanta Shastry, M((A)

None is present for the applicant even on the second call. None for respondents either.

2. The applicant is aggrieved that his candidature for the examination for recruitment to the post of Inspector of Central Excise/Income Tax held in 1996 has been cancelled vide impugned order dated 20.12.1996. The applicant has prayed to reconsider his application and to declare the result of the examination in his case.

3. The facts are that the Staff Selection Commission, Mumbai had issued an Advertisement for recruitment of

14

Inspectors of Central Excise/Income Tax etc. The applicant had submitted his application at New Delhi and withdrew the same on 20.12.1995. He also submitted an application to the SSC, Mumbai and was issued the Admission Certificate and Roll No. Accordingly the applicant appeared in the examination held at Ahmedabad on 28.6.1996. He was awaiting the result. Then he was informed vide the impugned order dated 20.12.1996 that his candidature had been cancelled.

4. It is the grievance of the applicant that no show cause notice was given to him before passing of the said impugned order and he was not given any opportunity to explain that he had already withdrawn his application of 20.12.1995 made at Delhi much before the examination was held on 28.4.1996 in Delhi. He has also contended that the application for the Delhi Centre was sent by him inadvertently under bona fide mistake and that he had withdrawn the same. Since he had already appeared in the examination held on 28.4.1996, the Staff Selection Commission is estopped from cancelling the candidature at this stage. The applicant had appeared only at one Centre and therefore his candidature deserves to be reconsidered.

5. No counter reply has been filed in this case by the respondents. The impugned order dated 20.12.1996 is self-explanatory. The applicant's candidature has been cancelled because it was found that he had submitted

(11)

more than one application for the same examination at different places. He had submitted one application in Western Region and the other in the Northern Region which was against the conditions stipulated in the Advertisement against which the applicant applied and appeared. In Clause-7 of the advertisement dated 15.12.1995 it was clearly stated that the candidate must select only one Centre out of the centres mentioned in Column-1 of the Table and no change in centre shall be allowed. Under the scheme of the examination an undertaking had to be given by the applicant stating that in the event of any false information being detected before or after the examination, the candidate would have no objection if his candidature/appointment was cancelled. In the instant case also the applicant had given an undertaking in writing that no other application had been sent by him whereas he did send two different applications for two different Centres for the same examination. This being so, we are satisfied that the respondents have rightly cancelled the candidature of the applicant by the impugned order dated 20.12.1996. The applicant has mentioned that he had inadvertently given the second application in the Northern Region. However, he had withdrawn the same and had intimated the Staff Selection Commission well before the actual examination took place. We cannot accept this argument. The fact is that even ^{while} ~~after~~ giving an undertaking, the applicant ^{had} ~~did~~ make the second application in the first instance which was against the conditions stipulated in the advertisement.

h

(12)

6. We find that this case is also ^{squarely} covered by an order of this Tribunal in Anil Kumar Sinha Vs. UOI & Ors (OA No.2419/96 dated 4.5.2000) which was dismissed. In this case also the applicant had applied at two places for the same examination.

7. We, therefore, do not find any merit in this ~~case~~ O.A. and the same is dismissed. No costs.

L- I-

(Smt. Shanta Shastry)
Member(A)

dbc

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)