

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

DELHI.

MP No.2365/90

D.A. No.2379/1989.

4th October, 1990.

Shri Arvind Mishra & Ors Vs. U.O.I. & Ors.

Applicants through counsel Shri A.K.Behera.

On behalf of the respondents Shri P.H.Ramchandani, Sr. Counsel is present.

This M.P. No.2365/1990 is listed today for directions. Three applicants, i.e. S/Shri Arvind Mishra, Anand Mohan Sharan and Praveen Kumar have filed OA 2379/89. They have prayed for a declaration that the second proviso to Rule 4 of the Civil Services Examination, 1989 is unconstitutional and for quashing of Annexure A-2 to the application, which is a letter issued by the Government of India to the applicant No.1. They have also prayed for a direction to the respondents to give the applicants all consequential benefits. On behalf of the applicant No.1 an argument was raised that candidates who were selected in the C.S.E. 1986 and allocated to a service had been permitted to sit in the 1990 Civil Services (Main) Examination and while the applicant No.1 who succeeded in 1988 C.S.E. and was allocated to the Indian Revenue Service, is not being permitted to sit for the 1990 Civil Services (Main) Examination.

We have heard the learned counsel for the applicants. The argument was that there was discrimination between those who had qualified in an examination in

1986 and in the earlier years as against those who had qualified after 1987. We do not find any substance in the argument. Similar point had been raised in the case of Dr. Harmeet Singh & Ors. Vs. U.O.I. (OA No.2008/90) which we have rejected today. We, therefore, reject this Misc. Petition. We have also not found any merits in the case of Shri Arvind Mishra- applicant in the O.A.

As far as the case of Anand Mohan Sharan, applicant No.2 is concerned, it was prayed that he be allowed to join the Foundational Course of I.A.S. which is to start from 19.8.1990 at Lal Bahadur Shastri National Academy of Administration, Mussoorie. Shri P.H. Ramchandani appearing for the respondents, states that the applicant No.2 has already been permitted to join the Foundational Course at the Academy. The M.P., therefore, has become infructuous. We have noticed that the applicant has succeeded in the C.S.E. 1989 and appointed to the I.A.S. In view of the above, he is not entitled to any relief in the O.A.

So far as the case of Shri Praveen Kumar, a-pplicant No.3 is concerned, he did not succeed in securing a berth in the I.A.S. in the subsequent examination. He is also not entitled to any relief.

Consequently, this O.A. No.2379/1989 fails and is disposed of accordingly.

B.C. Mathur
(B.C. MATHUR)
VICE-CHAIRMAN (A)
4.10.1990.

(Amitav Banerji)
(AMITAV BANERJI)
CHAIRMAN
4.10.1990.