

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1208/2020

This the 28th day of October, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**



K. Sreemannarayana
W-28, HUDCO Palace
Andrews Ganj
New Delhi-110049.

.. Applicant
(Applicant in person)

Versus

1. Union Public Service Commission
Represented by its Secretary
Dholpur House
Shahjahan Road
New Delhi.
2. Union of India
Represented by Secretary
Department of Legal Affairs
Ministry of Law and Justice
Shastri Bhawan
New Delhi.

.. Respondents
(By Advocates : Shri Naresh Kaushik for R-1 and
Shri Hanu Bhaskar for R-2)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman :

The process for selection to the post of Additional Legal Advisor in the Department of Legal Affairs, 2nd respondent herein, commenced in the year 2013, with



issuance of an advertisement by the UPSC, 1st respondent herein. The applicant and several others responded to the advertisement. Interviews were conducted by the UPSC on 24.02.2014. In the merit list, that was prepared by the UPSC, the applicant figured at Sl. No.5. Candidates No.1&2 in the merit list were appointed. However, their appointments were challenged in OA No.693/2014. The OA was allowed setting aside the selection/appointment of candidates at Sl. No.1&2 and in their place candidates at Sl. No.3&4 were offered appointment. While the candidate at Sl. No.4 Ms.Padmawati joined, the candidate at Sl. No.3 Shri Rajiv Mani did not join. This OA is filed with a prayer to direct the respondents to consider the case of the applicant against the vacancy to the post of Assistant Legal Advisor.

2. The applicant contends that on account of the prolonged litigation, the selection process was delayed and once the selected candidate did not join, the respondents were under obligation to offer him the appointment, being the next candidate in the merit list.



3. On behalf of the respondent No.1 i.e. UPSC, detailed reply is filed. The basic facts are not disputed. They contend that the reserve panel cannot be operated and that the validity of the regular panel is only upto 18 months from the date of the recommendation of the names i.e. 10.03.2014. It is also stated even if, for any reason, it has to be reckoned from the date on which the candidate No.3 was offered appointment, the list cannot now be operated at all.

4. We heard the applicant, who argued the case in person and Shri Naresh Kaushik, learned counsel for respondent No.1 and Shri Hanu Bhaskar, learned counsel for respondent No.2.

5. Normally, the Department of Law is expected to assist the other departments to avoid litigation or to shorten it. However, the litigation in the legal department is comparatively high. Hardly any appointment takes place in the department without any litigation.

6. After the advertisement was issued and the candidates responded to it, UPSC interviewed and prepared a panel. Naturally, candidates at Sl. No.1&2



were offered appointment. At that stage, their appointments were challenged by raising various grounds. The appointments of both the candidates were set aside and as a result the candidates at Sl. Nos.3&4 were offered appointment. Shri Rajiv Mani, candidate at Sl. No.3 was issued offer to appointment on 29.09.2016, however, he did not join. The reason was that he was already holding a post and got selected in the higher post, by the time when the offer was made. The applicant contends that he deserves to be considered against the said vacancy.

7. Howsoever advisable it maybe to consider the case of an empanelled person, the reserve list cannot be operated indefinitely. In various organisations, the life of reserve list is one year. According to the guide lines of the UPSC, the life of reserve list is 18 months. If the date of finalisation of the selection i.e. 10.03.2014 is taken into account, the reserve list lapses on 09.09.2015. Even if, for the benefit of the applicant, the date on which, the candidate at Sl. No.3 was offered appointment i.e. 29.09.2016, is to be taken into account, the list lapsed somewhere in the year 2018. Viewed from any angle, the



selection process, which commenced in the year 2013, cannot be continued after seven years.

8. We do not find any merit in the OA and the same is accordingly dismissed.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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