

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD

(This the 15th **Day of February** 2021)

Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)
Hon'ble Mr. Tarun Shridhar, Member (Administrative)

Original Application No.330/00930/2014

1. Baijnath aged about 28 years, S/o Ram Naresh R/o Vill-Bokwa, Post Dhuswa Kala, District Maharajganj.
2. Mukesh Singh Solanki, aged about 22 years, S/o Shankar Singh Solanki 33, Kailash Nagar, Niwaru Road, Post Jhotwara, District Jaunpur.

..... **Applicants.**

By Advocates: Shri M.K. Upadhyay/Ms. Zeeshan Zameen

Versus

1. Union of India through the Secretary Ministry of Defence, South Block, New Delhi.
2. Director General of Supply and Transport, Quarter Master Generals Branch, Army Headquarters, DHQ PQ, New Delhi 110011.
3. Officer Commanding, 749 (I) TPT, PL, ASC (Civil GT) New Cantt., Allahabad.
4. Lt. Col. Girish Nair, Presiding Officer of the recruitment Board, 264 Coy ASC (Sup) New Cantt, Allahabad.
5. Capt CBS Patel, Member NO.1, Medical Dental Centre, New Cantt., Allahabad.
6. Subedar Krishna Singh, Member NO.2, 749 (I) TPT, PL, ASC (Civil GT) New Cantt., Allahabad.

..... **Respondents**

By Advocate: Shri Raghvendra Pratap Singh

O R D E R

Delivered by Hon'ble Mr. Tarun Shridhar, Member (A)

Heard Mr. M.K Upadhyay and Ms. Zeeshan Zameen, learned counsel for the applicants and Shri Raghvendra Pratap Singh assisted by, learned counsel for the respondents.

2. The applicants had appeared in the selection for the post of Cleaner in the organization of the respondents and they successfully cleared the written examination and were subsequently interviewed. Written test and interview were conducted on 28.04.2014. The present applicants were 02 amongst the only 07 candidates, who were declared successful in the written test and subsequently called for interview. However, the result of the interview was not declared and subsequently the respondents informed the applicants vide the impugned order that "recruitment test held on 28.04.2014 for the post of 'Cleaner' has been cancelled due to technical error". The nature of these technical errors has not been specified nor has any reason been assigned in this cryptic one sentence order.

3. The respondents in their reply have mentioned that selection process/test was cancelled as the question paper of recruitment test was not prepared by the Presiding Officers and Members of the Board as per policy laid down by the Army Headquarters. What is the policy, which was not adhered to have not been explained in the counter affidavit? Vide order dated 11.11.2016 in this O.A.,

learned counsel for the respondents had submitted that he will produce the copy of the said policy under which the impugned order was passed and sought one week's time to produce the same. However, till date, there is no such document on record, which could explain the policy.

4. Learned counsel for the applicants vehemently argues that despite a lapse of more than four years, the respondents have not submitted a copy of the policy on whose strength the respondents have cancelled the entire selection nor have they given any cogent reason in the counter affidavit.

5. Learned counsel for the respondents, on the other hand, submits that their counter affidavit is detailed and their arguments for opposing relief claimed by the applicants rest on this counter affidavit only.

6. We have heard learned counsel for the parties carefully and examined the documents on record.

7. We observe that the impugned order vide which the selection process/test has been cancelled, is too terse to be acceptable on any legal grounds. Selection process once set in motion and having reached the stage of declaration of final result should be cancelled or revoked only if some patent illegality or irregularity has taken place. If by their own admission, this was against the policy of the Organization what prevented them from placing such a policy or

stating its contents in detail before this Tribunal for several long years.

8. In view of these circumstances, the impugned order dated 12.07.2014 is set aside and the respondents are directed to declare the result of the selection test and interview and in the event of applicants having been found successful, they should be given appointment in terms of the conditions set out in the selection process. The O.A. is accordingly disposed of. No order as to costs.

(Tarun Shridhar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

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