

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01434/2016

Dated the 21st day of January Two Thousand Twenty

**CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)**

Irissappan, aged about 37 years, Son of Sengany, residing at Koodapakkam Pet Village and Post, Puducherry 605502.

....Applicant

By Advocate Mr. M. Gnanasekar

Vs

Union of India rep by the Secretary to Government, Department of P & A. R., Personnel Wing, Government of Puducherry, Puducherry.

....Respondent

By Advocate Mr. R. Syed Mustafa

ORDER**(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))**

The case of the applicant is that he belongs to SC community and he has passed a degree in Zoology and thereafter he has obtained a degree in M.Phil (Edun) and M.Phil (Zoology). The respondents in this case had published a notification for selection of LDC/Store Keeper/Junior Clerk/Typist in the year 2012 vide notification dt. 18.02.2012. The common competitive examination was held on 09.12.2012. The respondents had issued notification on 28.11.2014 publishing fresh provisionally shortlisted candidates. Some of the earlier selected candidates did not appear for certificate verification. The applicant was one among the selected candidates in the provisional list published on 28.11.2014. But he did not get any intimation for appearing for certificate verification. After some time, he enquired in the office of the respondents and he was informed that the respondents had sent SMS indicating the date of certificate verification in the registered mobile number. But according to the applicant, his registered mobile phone was lost in the meanwhile and he could not have the same number. He came to understand the cancellation of the selection only when he received the cancellation letter on 30.04.2015 (Annexure A4). Immediately he filed a representation before the respondents to consider his name also as he could not get an intimation in time. But the respondents had rejected his request. So he came up with this OA seeking the following relief :

“i. To set aside the order No. A34012/14/2010-DTAR (Exam.)/PF/88 dated 30.04.2015 passed by the respondent on the application of the petitioner and consequently direct the respondent to appoint the petitioner as LDC/Store Keeper/Junior Clerk/Typist on the basis of the additional select list dated 28.11.2014 with all consequential monetary and other service benefits and

- ii. pass such further order as are necessary to meet the ends of justice,
- iii. Award costs and thus render justice.”

2. The respondents appeared and filed a detailed reply statement admitting the selection of LDC/Store Keeper/Junior Clerk/Typist etc on the basis of the notification dt. 18.02.2012. According to the respondents, the applications were filed by the applicant as well as other candidates online and all the notifications relating to the selection were published in the official website without delay. The applicant in this case had submitted the application online for the post of LDC/Store Keeper/Junior Clerk/Typist and he was issued an admission card through online (Roll No. 20959). He appeared for the competitive examination held on 09.12.2012 and obtained 34.75 marks. The respondent had prepared a provisional select list as per notification dt. 18.12.2012 which is produced as Annexure R2. Since the cut off marks under the SC category in the select list was 35.50, the applicant did not figure in the first select list. The respondents further submit that some of the candidates did not join and some of the candidates changed their options and some of the candidates did not appear for certificate verification and hence they prepared an additional select list from the same examination on 28.11.2014. In the said select list, the cut off marks for LDC was 34 and since the applicant in this case had 34.75 marks, he found a place in the 2nd select list dt. 28.11.2014 which is produced as Annexure R3. All the candidates who were

selected in the R3 notification were called for certificate verification on 10.12.2014 and 11.12.2014 and the selection was completed. All the eligible candidates were sent SMS through their registered mobile phone and SMS was sent to the registered mobile number of the applicant also ie., 9047756585. The said memorandum and notification were uploaded in the official website on 04.12.2014 itself. The applicant did not report for certificate verification on 11.12.2014. They waited for more than four months and since the applicant did not turn up, they cancelled the provisional selection of the applicant on 30.04.2015. According to the respondents, all the procedures were done online and it was specifically mentioned in the Clause 10 of the General Instructions in the notification that “Copy of all notifications will be published in this Department's website <http://dpar.puducherry.gov.in> and also in leading regional news dailies. Applicants are advised to watch the above website and news dailies regularly for information.” Even hall tickets were sent online and the applicant has also downloaded the hall ticket without difficulty. The respondents had also produced the minutes of the Departmental Recruitment Committee regarding the case of the applicant as Annexure R5.

3. The main contention put forward by the applicant that the applicant had approached the respondent immediately on getting information regarding the cancellation of his name which is produced as Annexure A4 and the respondents had not considered his request. According to him, the mobile phone registered with the respondents was lost in the meanwhile and he did not get the SMS allegedly

sent by the respondents. He is a meritorious candidate and belongs to the SC category. He seeks a direction to consider his name for appointment.

4. Learned counsel for the respondents submits that all the procedures of the recruitment were done online and it is specifically mentioned in the notification that the candidates were asked to follow the website and various press notes issued by the department regarding the selection process. It is also mentioned in the written statement that even the hall tickets were downloaded by the concerned candidates who had applied for the test. So, there is no reason to believe that the applicant did not know the result published in the website. Even if the applicant had lost his registered mobile number, he could have immediately approached the respondents to register his fresh mobile number for getting the information. This was not done. So, there is no merit in the contentions raised by the applicant in this case.

5. We have heard the counsels appearing on both sides and perused the pleadings of the applicant and respondents. On going through the pleadings, it can be seen that the respondents had notified the vacancies as per notification dt. 18.02.2012 and the application was submitted by the applicant online through the website of the respondents. The hall ticket for the examination was also given through the website ie., downloaded from the website and the applicant had participated in the Common Written Examination held on 09.12.2012. The notification dt. 18.02.2012 specifically states that the candidates should verify the website and various press reports to know the developments regarding the

selection. The case of the applicant is that he had lost his mobile phone and he could not get the SMS. Nothing further is produced to prove this aspect before the Tribunal. Even if the mobile phone is lost, the number can be retained by using another mobile phone. It is not clear why the mobile number was changed. There is also no satisfactory material to show that the applicant had intimated new number to the respondent prior to the notification.

6. On going through the conditions of notification, it can be seen that all the important procedures relating to the selection was done online and a diligent candidate could have got information regarding the selection. It seems that the applicant was not at all vigilant and he is now blaming the respondents for not getting the SMS in his mobile phone which was lost in the meanwhile. He has not taken proper steps to register his new mobile number with the respondents. It is specifically mentioned in the notification that if there is any change of address, etc, it should be immediately intimated to the respondents. This also was not done.

7. In view of the above facts and circumstances revealed in this case, we find that there is absolutely no merit in the contentions put forward by the applicant before this Tribunal. **The OA lacks merits and it is liable to be dismissed.**
Accordingly, we dismiss the OA. No costs.

(T.Jacob)
Member(A)

(P. Madhavan)
Member(J)

21.01.2020

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