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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA-1073/90

Date of decision: 5.10.1990

Dinesh Kumar Singh & Others

Applicants

Vs.

Union of India & Others

Respondents

PRESENT

Shri Madhav Panikar, counsel for the applicants.

Shri P.H. Ramchandani, Sr. Counsel for the respondents.

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Hon'ble Shri Justice Amitav Banerji, Chairman.

Hon'ble Shri B.C. Mathur, Vice-Chairman.

In the present O.A. there are four applicants. Applicant No. 1 was allocated the I.R.T.S. on the basis of the C.S.E. 1987. He could not pursue the C.S.E. 1988 as he fell sick after the Preliminary Examination. Applicant No. 4 joined IRTS on the basis of the 1987 Examination.

2. The above mentioned applicants have cleared the Preliminary Examination conducted in June 1990 as permitted by the Tribunal provisionally.

3. Applicant No. 2 is a Scheduled Caste and is 31 years old and had also qualified for the I.R.T.S. on the basis of the 1987 Examination. Applicant No. 3 also qualified for Group 'A' Service on the basis of 1987 Exam.

4. The arguments raised in this O.A. are the same as in the case of O.A. No. 1853/90 Shri Jayanta Kumar Basu and Ors. Vs. Union of India and Ors. We have already indicated our views on the points raised in the above case.

5. For the reasons indicated therein, this O.A. is rejected.

~~On the decision stage~~


(B.C. Mathur)

Vice-Chairman
5.10.90


(Amitav Banerji)

Chairman
5.10.90

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

DATE OF DECISION: 4.10.1990.

REGN. NO: MP 2384/90 in
DA 2008/90

Dr. Harmeet Singh & Ors Vs. Union of India & Ors.

Applicant through counsel Shri A.K. Behera.

MP No. 2384/90.

This M.P. under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 is allowed.

DA No. 2008/90.

In the present O.A., the applicants are aggrieved that they have not been allowed to appear in the Civil Services (Main) Examination, 1990, without resigning from the Indian Revenue Service to which they were appointed on the basis of the C.S.E. 1988.

Shri A.K. Behera, learned counsel for the applicants, raised a contention that similar candidates who had succeeded in the C.S.E. 1986 or earlier years were, however, being granted leave upto December, 1990 to appear in the Civil Services (Main) Examination, 1990 without being asked to resign from the respective services whereas the applicants, who had succeeded in the 1988 C.S.E. are not being treated alike. This amounts to discrimination. Learned counsel contended that a different or separate class cannot be created between two sets of candidates appearing in the C.S.E. on the basis of the year in which they appeared in the C.S.E.

We find no merits in the contention raised by the learned counsel for the applicant/(s). The amendments in Rule 4 of the C.S.E. Rules were introduced in December, 1986 which had application to candidate appearing in 1987 C.S.E.

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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.**

DATE OF DECISION: 4.10.1990.

OA No. 1853/90.

Shri Jayanta Kumar Basu & Ors. Vs. U.O.I. & Ors.

Applicant through counsel Shri A.K. Behera.

MP No. 2196/90.

On the basis of This M.P. Under Rule 4(5)(a) of the Central

Administrative Tribunal (Procedure) Rules, 1987 is allowed.

OA No. 1853/90.

This O.A. is filed by the 8 applicants. They have

prayed that the second proviso to Rule 4 of the C.S.E. Rules

is not applicable to the applicants No.4 to 8 and also to

declare the said proviso as unconstitutional and void and

direct the respondents to grant all consequential benefits

to the applicants.

In this O.A. the first three applicants were allocated

to Indian Ordnance Factory Service (IOFS) on the basis of

the results of the C.S.E. 1987 and applicants No.4 to 6 were

allocated to the same service on the basis of the results of

the C.S.E. 1988. They were all appointed as Asstt. Works

Manager (Non-Technical). They were asked to join the

Foundational Course of IOFS in August, 1989 and at present

were undergoing training at Ordnance Factories Staff College, Nagpur. They intended to appear in the C.S.E. 1990. They had appeared in the preliminary examination and had succeeded and they wanted to appear in the Civil Services (Main) Examination, 1990. They approached the U.P.S.C. for getting the forms but were told that they would not be issued any

Form in view of the 2nd proviso to Rule 4 of the C.S.E. Rules

unless they resign from the Indian Ordnance Factory Service

to which they have been allocated. The case of the applicants

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is that in view of the fact that in 1990 the age limit was raised and they were entitled to at least one more opportunity to better their prospects. They were entitled to sit in the forthcoming examination. They have also challenged the validity of the 2nd proviso to Rule 4 of the C.S.E.Rules.

We have heard learned counsel for the applicant/(s) and considered the arguments raised by him. We are not impressed that this is a fit case for admission. Three of the applicants were taken in the IOFS on the basis of 1987 C.S.E. They did not sit in the next examination which was held in the year 1988. The 2nd proviso to Rule 4 speaks of next examination and not one extra chance apart from the Rules. All those who were eligible to appear could have one more chance but if they were not eligible under the Rules, they would not be entitled to sit in the examination. Applicants 4 to 8 succeeded in the 1988 C.S.E. and were selected to the IOFS but they did not sit in the 1989 C.S.E. which was the next examination. They are, therefore, not entitled to sit in the subsequent examination of 1990 unless they first resign from the service. We hold accordingly.

Consequently, this C.A. merits to be dismissed at the admission stage. We order accordingly.

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

(AMITAV BANERJI)
CHAIRMAN
4.10.1990.



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1. S. Sengupta Officer
Central Administrative Tribunal
Pragati Maidan, New Delhi

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.....we direct the respondents inclusive of the Union Public Service Commission that all those candidates who have appeared for the Civil Services (Main) Examination, 1990, pursuant to our permission given in the order dated 7.12.90 and who have come out successfully in the said examination and thereby have qualified themselves for the interview, that if those candidates completely and satisfactorily qualify themselves by getting through the written examinations as well as the interview shall be given proper allocation and appointment on the basis of their rank in the merit list, notwithstanding the restriction imposed by the second proviso and our present judgment upholding the validity of the said proviso since the respondents have not questioned and challenged the directions given by CAT, Principal Bench Delhi in paragraphs 5(ii), 6 and 7 of its judgment dated 20.8.1990. We would like to make it clear that the unchallenged directions given by the CAT in its judgment as well as directions given by us in our order dated 7.12.90 are not controlled by any rider in the sense that the said directions were subject to the result of the cases and hence those directions would be confined only to those candidates who appeared in CSE, 1990 and no further. The seniority of those successful candidates in CSE, 1990 would depend on the service to which they have qualified. The seniority of the left-out candidates would be maintained in case they have joined the service to which they have been allocated on the result of previous CSE and such candidates will not be subjected to suffer loss of seniority as held by the CAT, Delhi in its judgment.

2. THAT there shall be no order as to costs of these appeals in this Court;

AND THIS COURT DOETH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Ranganath Misra, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 13th day of September, 1991.

Sd/
(B. S. Jain)
Joint Registrar

~~C A Nos 5467-69/10 74/75~~

~~Schedule A~~

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. ~~14261-63~~ OF 1990.

1. Dinesh Kumar Singh, IRTS.

c/o Shri Chandra Shekhar

3, South Avenue Lane,

New Delhi-110011.

2. Ravindra Goyal, IRTS

son of Shri Chaman Lal Goyal,

r/o Central Jail Campus,

Patiala.

(Applicants in O.A. No. 1073 of 1990).

3. Krishna Kant Kumar Singh, IRTS.

P.N.B. Building, At&P.O.-Koilwar,

Bhojpur, Bihar.

4. Ravi Valluri, IRTS.

s/o Valluri Sri Ram,

19, Doctors Quarters,

R.B.T.B. Hospital, Kingsway Camp,

New Delhi.

5. P. Randhir Reddy, IRTS

House No. 2-624/2,

Nakkal Gutta, Hanamkonda,

Andhra Pradesh-506001.

(Applicants in O.A. No. 1068 of 1990).

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6. Alok Kumar, I.R.P.S.

7. S.Jagannathan, IRPS.

8. Nand Kishore, IRPS.

All C/o Principal Railway Staff College,
Baroda.

(Applicants in O.A.No.1071/1990).

.....Petitioners.

Versus

1. Union of India,

through the Chairman,

Railway Board,

Rail. Bhawan, Rafi Marg,

New Delhi.

2. Ministry of Personnel, Public

Grievances & Pensions,

through the Secretary,

Department of Personnel and Training,

North Block, New Delhi.

3. Union Public Service Commission,

through its Secretary,

Dholpur House, Shah Jahan Road,

New Delhi.

....Respondents.

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~~12/11/91~~
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5467 to 5469 of 1990

Dinesh Kumar & Ors. v/s. Appellants

-VERSUS-

Union of India & Ors. v/s. Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.

C.A. Nos. 466, 1068 & 1071 of
1990 respectively and 1073

DECREE DISMISSING THE APPEALS WITH
NO ORDER AS TO COSTS.

SEALED IN MY PRESENCE. Dated this the 13th day of September, 1991.

15/11/92

Mr. Kapil Singh
Advocate on Record for the Appellants.