

6/

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.

CORAM

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 admission 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
OA 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.

OA 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.

It was not retrospective in operation and consequently,

it had no effect for those candidates who had sat in the

1984, 1985 or 1986 C.S.Es. The provisions of Rule 4 of

the C.S.E. Rules, 1986 had full application to candidates

appearing in Civil Services (Main) Examination, 1987, 1988

and 1989. The Division Bench decision in the case of

SHRI ALOK KUMAR (Supra) and batch of cases decided on

20.8.1990 has held the second proviso to Rule 4 and Rule 17

of the C.S.E. Rules to be valid. Consequently, the position

of all candidates who appeared in the C.S.Es 1987, 1988 and

1989 is on a different plane altogether than those who

appeared in C.S.Es 1984, 1985 and 1986. The Division Bench

has taken the view that the candidates who have succeeded in

the C.S.E. 1987 and allocated to a service would be eligible

to one more opportunity subject to the provisions of the

C.S.E. Rules, 1987 which allows them to appear in the 'next

examination'. The said Rule had no application to those

candidates who had appeared in C.S.Es 1984, 1985 and 1986 and

were allocated to a service. The candidates who have been

allocated a service as a result of 1987 or 1988 or 1989 C.S.E

would not be eligible for the 1990 C.S.E. unless they came

within the purview of the second proviso to Rule 4 of the

C.S.E. Rules, 1986.

We, therefore, find no merits in the above contention.

The applicants in the present O.A. are not entitled to any

relief. No other point was urged. Consequently, the O.A.

is dismissed at the admission stage.

(B.C. MATHUR) VICE CHAIRMAN (A) (AMIT AV. BANERJI) CHAIRMAN

4.10.1990.

4.10.1990.

Section Officer

Central Administrative Tribunal

Principal Bench, New Delhi

9

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

DA No. 1853/90.

DATE OF DECISION: 4.10.1990.

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

Applicant through counsel Shri A.K. Behera.

MP No. 2196/90.

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

DA 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 8 were allocated to the same service on the basis of the results of the C.S.E. 1986. 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

00

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 ICFS on the basis of 1967 C.S.E. They did not sit in the next examination which was held in the year 1968. 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 1968 C.S.E. and were selected to the ICFS but they did not sit in the 1969 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.



CLERICAL TRUE COPY

Section Officer
Central Administrative Tribunal
Principal Secy, New Delhi

1073/80

7 11

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

359197

Certified to be true copy
Assistant Registrar (Judl.)
1991
Supreme Court of India

CIVIL APPELLATE NOS. 5467 TO 5469 OF 1990.

(Appeals by Special Leave granted by this Court by its Order dated the 23rd November, 1990 in petition for Special Leave to Appeal (Civil) Nos. 14261 to 14263 of 1990 from the Judgment and Order dated the 5th October, 1990 of the Central Administrative Tribunal, Principal Bench New Delhi in C.A. Nos. ~~1068~~ 1068 and 1071 of 1990 respectively).

Dinesh Kumar & Bar, etc.

and/or

Appellants

Union of India & Ors.

Respondents

(For full Cause Title Please See Schedule 'A' attached herewith).

13th September, 1991.

PRESENT:

HON'BLE MR. JUSTICE S. RUDRANATHAN
HON'BLE MR. JUSTICE A. RAY
HON'BLE MR. JUSTICE K. JAYACHANDRA REDDY

For the Appellants: S/o. Salomon Khurshid and Madhavi Panikhar, Mrs. Vinod Singh and Ors. Gopal Singh, Advocates.

For Respondent Nos. 1 & 2: Mr. Kapil Sibal, Additional Solicitor General of India and Mr. J. S. Mehta, Advocate General of India (Mr. K. J. Lalit & Mr. C. J. Sarda Rao, Advocates, with him).

The Appeals above-mentioned being called on for hearing before this Court on the 27th, 28th, 29th and 30th days of November, 1990 and 7th day of December, 1990, after perusing the record and hearing counsel for the appearing parties above-mentioned, the Court took time to consider

the Judgment and the appeals being called on for Judgment on the 13th day of September, 1991, this Court with the following directions:

1. That the appeals above-mentioned be and are hereby dismissed with the following directions:

M J-A

12

: 2 :

.....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 this appeal in this Court;

.....3.....

9 13

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

CA Nos 5467-69/90 74/75

Schedule A

2(77-114)
14

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).

....2/-

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).

.....Respondents.

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,
Dharmpur House, Shah Jahan Road,
New Delhi.

....Respondents.

16
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO 5457 to 5469 of 1990

Dinesh Kumar & Ans. etc. Appellants

-versus-

Union of India & Ors. Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.

G.N. 405, 406, 1068 and 1073 of 1990 respectively

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. Gopal Singh
Advocate on record for the Appellants.