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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. C.A. 1700/90

DATE OF DECISION: 6.2.1991

Shri Puneset Goel

... Applicant.

Vs.

U.C.I. & Ors.

... Respondents.

CCRAM: THE HON'BLE MR. JUSTICE AMITAV BANERJI, CHAIRMAN,
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A)

For the Applicant

... Shri A.K. Sikri,
Counsel.

(Judgement of the Bench delivered by
Hon'ble Mr. Justice Amitav Banerji,
Chairman)

The applicant, Shri Puneset Goel, was a candidate for the Civil Service Examination (C.S.E. for brief) in 1988. He was declared successful and was allotted the Indian Railway Traffic Service (IRTS), which is a group 'A' service in June 1989. He was asked to proceed to the National Academy of Direct Taxes, Nagpur to undergo Foundation Training. However, by this time he had taken preliminary examination of Civil Service in June 1989 for the second attempt. The appointment letter drew attention to the impugned Rule 4 of the C.S.E. Rules and asked the applicant either to join the training as scheduled or abstain therefrom in case he wishes to appear in his second attempt. He chose to abstain from the preferred training in order to be able to take his next attempt at C.S.E. in November, 1989. Meanwhile, the original allotment of IRTS had undergone a change and he had been allotted the Indian Revenue Service. The applicant took the main C.S.E. 1989, results thereof were declared in June, 1990 vide the appointment letter.

dated 31st July, 1990. The applicant desired to make yet another attempt in the C.S.E. to improve his position, as he did not wish to join the Indian Revenue Service. The respondents orally refused him permission and insisted either that either the applicant joins of the two services or he must resign in order to be able to take the third attempt.

The applicant is aggrieved by the above order and he challenges the validity of the second proviso to Rule 4 of the C.S.E. Rules.

We have heard Shri A.K. Sikri, learned counsel for the applicant. We are absolutely satisfied that no case is made out for interference in this case. This case is fully covered by a decision in the case of ALOK KUMAR & ORS. VS. U.O.I. dated 20.8.1990.

The Division Bench in the above case upheld the validity of second proviso to Rule 4 and further held that once a person is selected to a service, he can have one more chance to improve his position. The applicant had qualified. He had to join either Indian Revenue Service or the Indian Police Service. He had to choose one of them. No further chance was available to him unless he resigned. If he resigned, then he was free to sit in the C.S.E. again. The Division Bench in ALOK KUMAR'S case had considered the arguments, that were raised before us and we are of the view that all those arguments are repelled in the reasoning in the case of ALOK KUMAR (SUPRA).

In view of the above, we find no merits in this case and it is rejected at the admission stage.

Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

6.2.1991

AB
(AMITAV BANERJI)
CHAIRMAN
6.2.1991