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)
4.10.1990.

(AMITAV BANERJI)
CHAIRMAN
4.10.1990.