

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. Nos:

708, 745, 746, 747, 748, 749, 750, 751, 752, 753,
799, 810, 811, 817, 828, 829, 833, 834, 842, 843,
844, 845, 846, 847, 899, 900, 932, 989, 996, 1006,
1009, 1083 of 1990

New Delhi this the 14th July 1994

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri B.K. Singh, Member (A)

Applicants in O.A.No.

1. Shri N.K.Sharma,
B-4, Delhi Administration, Flats,
Model Town,
Delhi. 708/90
2. Shri Braj Raj Singh Rathaur,
18 Delhi Administration Flats,
Greater Kailash Part I,
New Delhi. 745/90
3. Shri Tarlochan Singh
A-115 Madhuvan,
New Delhi. 899/90
4. Shri Ajay Dewan,
5 Shankaracharya Marg,
Civil Lines,
Delhi. 1009/90
5. Shri Ziaullah Siddiqui,
677 Kamaljit Sandhu Block,
Asian Games Village,
New Delhi. 1006/90
6. Shri Vinay Bhushan Dubey,
224 Jhelum Hostel,
JNU, New Delhi. 996/90
7. Shri Arun Kumar Sharma,
131 New Manglapuri Mehrauli, Road,
New Delhi. 989/90
8. Shri Rajendar Prasad,
F-108, Sector 20 NOIDA, UP. 932/90
9. Shri Ashutosh Kumar,
70 Greater Kailash,
New Delhi. 900/90
10. Shri Raj Singh,
46 Ashoka Park Extension,
New Delhi. 847/90
11. Shri Kapal Kumar Vohra,
121 Sector 15A, NOIDA, UP. 846/90

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12. Shri Surender Singh,
C-8 Shivaji Park,
New Delhi. 845/90
13. Shri Randhir Singh Punia,
Flat No. 61-D, CBI Colony,
Vasant Vihar,
New Delhi-110 057. 844/90
14. Shri Jai Pal Singh,
Flat No. 5130 Sector B,
Pocket 7, Vasant Kunj,
New Delhi-110 037. 843/90
15. Shri Dharendra Kumar,
B-6 Officers Flat,
Central Jail. Tihar,
New Delhi. 842/90
16. Shri Umesh Kumar Tyagi,
11 A Delhi Administration Flats,
New Mahabir Extension,
Vikaspuri,
New Delhi. 834/90
17. Shri Anil Mehta,
C 4/117 Safdarjanj Development Area,
New Delhi. 833/90
18. Shri Manjit Rai,
1245 Gali No. 1 Faiz Ganj,
Bahadurgarh Road,
Delhi. 829/90
19. Shri Om Prakash Mehra,
38 B, Pocket B, Mayur Vihar,
Delhi-110 091. 828/90
20. Shri Girish Chandra,
D-17 Delhi Administration Flats,
Timarpur, Delhi. 817/90
21. Shri Vinod Kumar Singh Chauhan,
1 Delhi Administration Flat,
Upper Bela Road,
Delhi-110 054. 749/90
22. Shri Vinod Kumar Jain,
1717 Gulabi Bagh,
New Delhi. 750/90
23. Shri Devi Prasad Dwivedi,
D-17 Delhi Admn. Flats,
Timarpur, Delhi. 751/90

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| 24. Shri Shashi Bhushan Singh,
58 Dakshna Puram,
J.N.U., New Delhi. | 752/90 |
| 25. Shri Rajesh Narain Mangla,
1690 Gulabi Bagh,
Delhi-110 007. | 753/90 |
| 26. Shri Rakesh Bhatnagar,
1701 Delhi Administration Flats,
Gulabi Bagh,
Delhi-110 007. | 748/90 |
| 27. Shri Surya Kant Singh Yadav,
18/23 Gulabi Bagh,
New Delhi. | 747/90 |
| 28. Shri S.K. Saxena,
1688 Gulabi Bagh,
Delhi-110 007. | 746/90 |
| 29. Shri Devender Kumar Sharma,
B-33 Sarai Peepal Thala Extension,
Delhi-110 083. | 1083/90 |
| 30. Shri Rajinder Singh,
House No. 7, Type V,
DCP South Office Complex,
Hauz Khas,
New Delhi. | 811/90 |
| 31. Shri Jaya Dev Sarangi
A-1 Jail Road,
Central Tihar Jail,
Delhi. | 810/90 |
| 32. Shri Alok Srivastava,
G-24 New Boys Hostel,
Jammu University,
Jammu Tabi (J&K) | 799/90 |
| | ... Applicants |

(By Advocate : None)

Vs.

1. Union of India,
through the Secretary,
Dept. of Personnel and Training,
Ministry of Personnel Public Grievances
and Pensions,
2. The Secretary,
Union Public Service Commission,
Dhampur House,
Shahjahan Road,
New Delhi.

... Respondents
(in all the aforesaid
O.A.)

(By Advocate : Shri P.H. Ramchandani)

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ORDER (Oral)

Hon'ble Shri J.P. Sharma, Member (J)

The facts of all these cases are almost similar and the same issue i.e. whether the applicants who have become over-age to take the IAS Civil Service Examination, 1990 can be allowed by giving benefit of taking another attempt as a number of times have been raised but fixing the cut off at 31 years as on 1.8.1990. All these applicants did not avail of four times till 1989 the number of attempts allowed to the candidates who are taking Civil Service Examination was restricted to only three. An interim direction was issued to the respondents in some of the cases ex-parte and in other cases after hearing the learned counsel for the respondents who appeared after notice. That direction was that the applicants should be allowed in all these original applications irrespective of the age limit to take the Civil Service Examination of 1990, which was to be held in the month of June 1990. In pursuance to Union Public Service Commission has accepted the admission form and issued the admission card for entry to the said Civil Service Examination to the applicants in all these applications. The relief claimed by the applicants in these applications have been that since they have not availed of four times and the rule of four attempts was brought in the year 1990 so they should not be deprived of this benefit as it will amount to discrimination and shall also be arbitrary in its enforcement.

2. It appears that a similar case came before the Tribunal in the case of Shri Rajesh Pandey and Ors. Vs. Union of India OA No. 303/94 where in its judgement the

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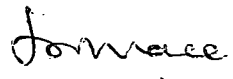
Principal Bench by its order dated 14.2.1994 held that frequent changes in the upper age limit and the number of attempts to be given to the candidates is not in public interest. By such acts, not only the credibility of the decision makers comes under a cloud, but the confidence of those affected by such decision is shaken. In the earlier part of the judgementⁱⁿ the same case the Bench has observed that the fact that the policy is being subjected to change from time to time by the Central Government in the exercise of powers conferred upon it under the regulations does not lead to an irresistible conclusion that the power is being or has been exercised arbitrarily or on irrelevant and extraneous considerations.

3. Though none of the applicants are present today and the matter has been on board since last more than a month, we feel that these applicants either have lost interest in pursuing this matter as there is nothing on record to show in the order sheets of each and every file that any permission was granted to the applicants to take Civil Main Examination, 1990 nor ^{any} of the applicants have moved any Misc. petition that he has qualified in the preliminary examination and permitted to take the Civil Service Main Examination. The applications, therefore, have also become infructuous. We are in the year 1994. All these applications therefore are dismissed leaving the parties to bear their own costs. A copy of this order be placed in each and every file on the above noted OAS. However, it is made clear that if all the applicants have since taken the examination and also appeared in the Civil Service Main Examination, 1990 and also qualified and has been given to posting he

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shall have a right to get a review of the aforesaid order according to law.


(B.K. Singh)
Member(A)


(J.P. Sharma)
Member(J)

Mittal