

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.87/90

DATE OF DECISION: 20.9.1990.

MS. PRERNA SOOD

APPLICANT

VERSUS

UNION OF INDIA & OTHERS

RESPONDENTS

ADVOCATES:

SHRI J.K. BALI

FOR THE APPLICANT

SHRI P.H. RAMCHANDANI

FOR THE RESPONDENTS.

CORAM:

THE HON'BLE MR. T.S. OBEROI, MEMBER (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

JUDGEMENT

(DELIVERED BY HON'BLE MR. I.K. RASGOTRA, MEMBER (A))

Mrs. Parerna Sood's application filed under Section 19 of the Administrative Tribunals Act, 1985 raises the same issues of law and fact which have been dealt with extensively in the judgement of the Tribunal in OA-206/89 Alok Kumar Vs. Union of India & Others and 61 other OAs pronounced on 20th August, 1990. The principle issue raised relates to the proviso to Rule-4 of Civil Services Examination which places restrictions on the applicant to improve their chances through subsequent Civil Services Examination and required them to resign from service if they had succeeded in previous examination and allotted in service or were undergoing training.

2. Briefly, the facts of the case are that the applicant on being selected in the Civil Services Examination, 1988, was tentatively offered appointment in the Indian Ordnance Factory Service vide Department of Personnel & Training letter dated 10th August, 1989. It was pointed out in the said letter that if the applicant intended to appear in the Civil Services (Main) Examination, 1989, she would not be allowed to join the probationary training *L*

along with the candidates of 1988 batch (Civil Services Examination, 1988) and would be allowed to join the probationary training only along with the candidates for 1989 batch (Civil Services Examination, 1989). If the applicant finally chose to join the service allotted to her on the basis of Civil Services Examination, 1988, it was pointed out that her seniority would be governed by the respective recruitment/seniority rules. In case the applicant had qualified in the Civil Services Preliminary Examination 1989 and intended to appear in 1989(Main) Examination, she would intimate this fact to the Department of Personnel & Training when she would be permitted to abstain from probationary training. The applicant sought permission for abstaining from training as she intended to appear in the main Examination, 1989. This permission was granted by the Department of Personnel & Training vide letter dated 16.10.1989. The applicant appeared in the Main Examination 1989 and while awaiting the results thereof, she received Ministry of Railways (Railway Board's letter dated 19.12.1989), offering her an appointment as a probationer in the Indian Railway Accounts Service on the basis of Civil Services Examination, 1988. Para-4 of the said letter stated that having appeared in 1989 Main Examination, she could not join training with 1988 batch and that she would be permitted to report for probationary training along with 1989 batch. The training for 1988 batch to Indian Railway Accounts Service probationer was to start at Railway Staff College, Vadodara on 22.1.1990 but the applicant was not allowed to do so. In these circumstances, the applicant approached the Tribunal when as an interim measure she was allowed to join the training commencing from 22.1.1990 along with 1988 batch vide Tribunal's orders dated 18.1.1990.



8

The facts of the case as brought out above are identical to the facts of the case of Shri Alok Kumar & Others Vs. UOI & Others (Supra) except that the applicant herein had appeared and declared successful in the Civil Services Examination, 1988. The Tribunal had in its judgement dated 20.8.1990 upheld the provisions contained in second proviso to Rule-4 of Civil Services Examination Rules and provisions of Rule 17 as not hit by Articles 14 & 16 of the Constitution of India. It has further been held that paragraph 3 of the letter issued by the Ministry of Personnel, Public Grievances and Pensions dated 30.8.1988 and paragraph-4 of letter dated 2.1.1989 issued by the Cadre Controlling Railway Authority, Ministry of Railways/Board are bad in law and are unenforceable. The Tribunal also held that similar letters issued on different dates by other Cadre Controlling Authority are also unenforceable. Applying the ratio of the judgement delivered in OA-206/89 on 20.8.1990, we hold that paragraph-3 of Ministry of Personnel, Public Grievances and Pensions letter No.13011/23/89-AIS(1) dated 10th August, 1989 and paragraph-4 of Ministry of Railways, Railway Board letter No.89/E(GR)1/10/1 dated 19.12.1989 are bad in law and are unenforceable. Proviso to Rule 4 & Rule 17 of the Civil Services Examination Rules, however shall be valid as they do not offend Articles 14 & 16 of the Constitution of India.

In the facts of the case, we order and direct that the respondents shall provide reliefs to Ms. Prerna Sood as above and in line with the decision of the Tribunal vide judgement dated 20.8.1990 in the Case of Alok Kumar & Ors.

The O.A. is disposed of with no orders as to the costs.

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

T. S. Oberoi
 (T. S. OBEROI)
 MEMBER (J)