

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * * * *

DATE OF DECISION 19.4.91

O.A. NO.301/1991

✓ SHRI LAXMAN SINGH

....APPLICANT

VS.

UNION OF INDIA

....RESPONDENTS

FOR THE APPLICANT

....SHRI G.M. KHAN

FOR THE RESPONDENTS

....SHRI P.H. RAMCHANDANI

O.A. NO.629/1991

SHRI NARENDER KUMAR CHAND....APPLICANTS
AND ANOTHER

VS.

UNION OF INDIA

....RESPONDENTS

FOR THE APPLICANTS

....SHRI RAMJI SHENIVASAN

FOR THE RESPONDENTS

....SHRI P.H. RAMCHANDANI

CORAM

SHRI P.C. JAIN, HON'BLE MEMBER (A)

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY SHRI J.P.SHARMA, HON'BLE MEMBER (J))

The applicants' main grievance in both these applications is with regard to undue restrictions

placed on their joining training for the Indian Revenue Service, Central Services Group 'A' at the National Academy of Direct Taxes at Nagpur.

2. In O.A. No.301/91, the applicant Shri Laxman Singh has assailed the order dated 1.10.1990

(Annexure-P 1) and the letter dated 31.12.1990 (Annexure-P 2).

3. In O.A. No.629/91, Narendra Kumar Chand and another have challenged the letters dated 1.8.1990 (Annexure-A 1) and 31.12.1990 (Annexure-A 2).

4. The applicants have claimed almost the same relief. In O.A. No.301/91, the applicant claimed for quashing the order dated 1.10.1990 and further to declare that the Rule 4 of C.S.E. Rules is illegal and void as violative of Articles 14 and 16 of the Constitution as well as being opposed to the public policy under Section 23 of the Indian Contract Act, 1872. A further declaration is sought to the effect that the applicant is entitled to join the probationary training provisionally as already allowed

in O.A. No.897/89 dated 28.4.1989. It has been also prayed that a direction be issued to the respondents to allow the applicant to take C.S. Examination of 1990 and consider him further on merits, if successful.

5. In O.A. 629/91, the applicants have prayed that para '3' of the letter dated 1.8.1990 so far as it imposes the restriction on the applicants to join training as they have taken the C.S.

Examination, 1990 and same condition in letter dated 31.12.1990, is illegal, unconstitutional, violative of Article 14, null and void. A further declaration is sought that the applicants are entitled to and should be permitted to join the probationary training in N.A.D.T. at Nagpur.

6. We have heard the learned counsel of the parties at length and gone through the record of the case at the admission stage. Since in both the cases, almost the identical issues are involved, so they are taken together and a common judgement is delivered.

7. The applicants appeared in 1989 Civil Services Examination and they were declared successful by the U.P.S.C. The applicants were allocated to the Indian Revenue Service which is Central Service Group 'A'. In another letter issued in December, 1990, the applicants were directed to report to the Director General, National Academy of Direct Taxes in Nagpur. Further, it was also provided in the letter that in view of the provisions of Rule 4 of C.S.E., ~~1990~~ Rules, if the applicants propose to appear in the C.S.E., 1990, they would be allowed to join probationary training along with the candidates who qualified in the C.S.E. Examination, 1990. It was further indicated in the said letter that the candidates who had qualified in the Civil Services Preliminary Examination, 1990 held on 10th June, 1990 and intended to appear in the main examination to be held later in the same year and the candidate accepted the proposed allocation of the service, he should not proceed to join the ~~foundational course~~, but intimate this fact by telegram immediately. In short, the purpose of the said letters is that in

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case the applicants had appeared in the C.S.E.,
Foundational
1990, then they should not go for the training
course.

8. The learned counsel for the applicant has referred to the judgement of this Tribunal in O.A. 206/89-Alok Kumar Vs. Union of India and Others decided on 20th August, 1990 by the Principal Bench. It has been held in this case that Rule 4 of the C.S.E. Rules is not bad in law.

II The provisions of Rule 17 of the above rules are also valid.

III The above provisions are not hit by the provisions of Articles 14 & 16 of the Constitution of India.

IV The restrictions imposed by the second proviso to Rule 4 of the C.S.E. Rules are not bad in law.

V A candidate who has been allocated to the I.P.S. or to a Central Services Group 'A' may be allowed to sit at the next C.S. Examination provided he is within the permissible age-limit, without having to resign from the service to which he has been allocated, nor would he lose his provisional seniority in the service to which he is allocated if he is unable to take training with his own batch.

VI. Those applicants who have been allocated to the I.P.S. or in Central Services Group 'A' can have one more attempt in the subsequent C.S. Examination for the services indicated in Rule 17 of the C.S.E. Rules. The cadre controlling authority can grant ^{one} opportunity to such candidates.

The above judgement has been assailed before the Hon'ble Supreme Court. An S.L.P. has been filed by Mohan Kumar Singhania and Others Vs. Union of India and Others reported in 1990(4) Judgement Today P-778 where the interim relief has been granted in the following terms :-

"Hence we permit all those candidates falling under para Nos.5(ii), 6 and 7 to sit for the main examination subject to the condition that each candidate satisfies the Secretary, Union Public Service Commission that he/she falls within these categories and that the concerned candidates have passed the preliminary examination of 1990 and have also applied for the main examination within the due date. The permission is only for the ensuing examination.

As we are now permitting those who have passed the preliminary examination of 1990 and have applied for the main examination on the basis of the unquestioned and unchallenged directions given under paras 5(ii), 6 and 7 of the judgement of the CAT, Principal Bench, New Delhi, the same benefit is extended to the other appellants also who satisfy those conditions as mentioned under paras 5(ii), 6 and 7."

9. We have carefully considered the rival contentions.

of the parties. In a similar matter in the OA 163/91 a
application of Shri Rajiv Jain, who was successful
in the 1989 C.S. Examination and allocated to
Indian Customs and Central Excise Service was
issued similar letters in August, 1990 and
December, 1990 directing to report to the Director
General, National Academy of Direct Taxes, Nagpur.
He was also asked to inform that if he proposed to
appear in the C.S. Main Examination, 1990, then
he would be allowed to join probationary training
along with the candidates who qualified in the C.S.
Examination, 1990. In case, the applicant was allowed
to appear in the C.S. Examination of 1990, then he
could not proceed to join the foundation course, but
intimate this fact by telegram immediately. The
Bench passed the following order :-

"Firstly, the departmental training has already
begun and is on for the last 18 days; secondly,
he has submitted to the order dated 3.8.1990
and did not challenge it; thirdly, he could have
asked for this relief, if he was aggrieved by
the order dated 3.8.1990 and challenge it before
the Supreme Court along with the other candidates.
He did not challenge it and prayed for joining
the training at this late stage. It is too
late in the day to challenge the above order
when the foundational course is already over and
the departmental training has started on 10.1.1991.
Further, the matter is still pending before the
Supreme Court and the judgement is awaited.

In the circumstances, we do not think this
is a fit case for grant of any relief by this
Tribunal."

* OA 163/91 decided on 28-1-91 by the P.B. Hon'ble Chairman
and Shri J.K. Rasgotra (MA)

10. We agree with the ratio of the above judgement and we are of the view that no case is made out for interference by the Tribunal. Both the O.A.s. are dismissed at the admission stage itself with no orders as to costs.

(J.P. SHARMA)
MEMBER (J) 19.4.91

(P.C. JAIN)
MEMBER (A)