CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2125/2004
MA 1800/2004
MA 1801/2004 with OA 2570/2000, OA 337/2001 (MA 2249/2001), OA 597/2001 and OA 2245/2001 (MA 30/2005).

New Delhi this the Ist February, 2005

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member (A)

OA 2125/2004

1. Manoj Shukla,
   S/0 Shri Bal Dutt Shukla,
   R/0 125, Nandpuri, Kanke Khera,
   Meerut, U.P.
2. Sudhir Kumar,
   S/0 Shri Dinesh Chander Nautiyal,
   R/0 Qr.No. 312, Sector –1,
   Type- III, Sadiq Nagar, New Delhi — Applicants.

(By Advocate Shri Naresh Kaushik)

VERSUS

1. Union of India
   through its Secretary,
   Department of Personnel and Training,
   North Block, New Delhi.
2. The Director,
   Central Bureau of Investigation,
   CGO Complex, Block No.III,
   Lodhi Road, New Delhi.

..Respondents

(By Advocate Shri Rajeev Kumar for Shri J.B. Mudgil)

OA 2570/2000

1. Amit Rana,
   S/0 Shri Phool Singh Rana,
   D-107, Dashrath Puri,
   Dabri Palam Road,
   New Delhi-110045
2. Raghubir Singh Negi,
   S/0 Shri B.S. Negi,
   C-566/A LIG Flats, Brij Vihar,
   Ghaziabad UP.
3. Gursewak Singh Randhawa
   S/0 S.Kashmir Singh Randhawa
   58 N CBI Colony, Vasant Vihar,
   New Delhi-110057

4. Ganesh Dutt,
S/0 Late Shri Shiv Dutt,
House No. 22, Gali No.10,
Block-A, Dayal Pur, Delhi
5. Harinder Kumar
S/0 Shri Jaipal Singh
B-4/3-A, Gamri Extension,
Delhi-110053
6. Surinder Singh
S/0 Shri Ram Chander,
House No. 2, Mahipalpur Village,
New Delhi-110037
7. Hari Shankar Sah,
S/0 Shri Shiv Narayan Sah,
Shahji Luggage Emporium,
14/1, Yusaf Sarai, New Delhi.
8. Tajender Singh Thapliyal,
S/0 Shri Suraj Singh Thapliyal,
Qr.No. 324, Sector-II,
Sadiq Nagar, New Delhi-110049
9. Harvinder Kumar Sharma,
S/0 Shri Mangat Ram,
House No. 813, Sector-3,
Pushp Vihar, MB Road,
Saket, New Delhi-17
10. Sandeep Kumar Tiwari,
S/0 Shri B.L.Tiwari,
House No.H-535,
Sarojini Nagar, New Delhi-110023
11. Attar Singh Dhaiya,
S/0 Shri Lakshmi Chand,
Village Sultan Pur Dabas,
PO Pooth Khurd, Delhi-39
12. Rajpal,
S/0 Shri Lakshmi Chand,
Village Sultan Pur Dabas,
PO Pooth Khurd, Delhi-39
13. Mahander Singh,
S/0 Shri Chatarpal Singh,
C/0 Jagdish Parsad Yadav,
F-112, Nanak Pura, New Delhi.
14. Umesh Adhikari,
S/0 Shri B.B.Chatri,
45-H CBI Colony, Vasant Vihar,
New Delhi.

..Applicants

(By Advocate Shri Naresh Kaushik)

VERSUS

Union of India Through

1. The Secretary,

Ministry of Personnel, Public Grievances and
Pensions, Department of Personnel and
Training, North Block, New Delhi.

2. The Director,
Central Bureau of Investigation,
CGO Complex, Block No. III, Lodhi Road,
New Delhi-110003

..Respondents

(By Advocate Shri S.K.Gupta)

OA 337/2001

1. Kapil Kumar Yadav
S/0 Shri Jai Narain Yadav,
R/0 8/36, Mehram Nagar,
Delhi Cantt.,Delhi-110010
2. Naresh,
S/0 Shri Sher Singh,
R/0 WZ-858, Naraina Village,
New Delhi-110028
3. Dhar Mendra Singh,
S/0 Shri Jagvir Singh
R/0 B-71, Gali No.2,
Mukand Vihar,
Karawal Nagar, New Delhi-110094.
4. Yash Bir Singh
S/0 Shri Bram Dutt,
R/0 WZ-78 Village Todapur,
New Delhi-110012
5. Amit Peter,
S/0 Shri Peter Franklin
R/0 160, Type-II, Minto Road,
New Delhi 110002.
6. Amit Sharma,
S/0 Shri S.K.Sharma,
C/0 Shri Gopal Bhavan,
Near Railway Station Road,
Bharatpur-321001.
7. Mohan Ram,
S/0 Shri Hukma Ram Bishnoi,
R/0 H.No. 150, Prithvipura,
Rasala Road, Jodhpur-342010
8. Rupendra Yadav,
S/0 Shri Balbir Singh Yadav
R/0 WZ-61, Todapur Vill. & P.O.
I.A.R.I., Pusa, New Delhi-110012.
9. Hans Raj
S/0 Gajraj Singh ,
R/0 Vill. & P.O.Chandpur,
Block Ballabhgarh, Distt.,
Faridabad-121101

..Applicants

(By Advocate Shri Naresh Kaushik)

VERSUS

1. Union of India
through the Secretary to the
Government of India,
Department of Personnel and Training,
North Block, New Delhi.
2. The Director,
Central Bureau of Investigation,
CGO Complex, Block No.III,
Lodhi Road, New Delhi.

..Respondents

(By Advocate Shri S.K.Gupta)

OA 597/2001

1. Shri Lalit Kumar
S/0 Shri Maheshwari Lal,
R/0 3878, Kucha Mohttar Khan,
Morigate, Delhi-110006
2. Mr.Raju S/0 Shri Jodha Ram,
R/0 B-65, Pandav Nagar
Near Shadipur Depot, New Delhi 110008.
3. Mr. Parveen Kumar
S/0 Shri Moti Lal,
R/0 B-213-II, Pandav Nagar,
P.O.Patel Nagar, New Delhi-110008.

..Applicants

(Present: None)

VERSUS

1. The Superintendent of Police (HQ),
Central Bureau of Investigation
C.B.I. Bharat Sarkar (Govt. of India),
Administration Division, Block No.3,
CGO Complex, Lodhi Road, New Delhi-110003.
2. The Secretary,
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi.
3. The Secretary,
Ministry of Personnel,
(Public Grievances) Govt. of India,
North Block, New Delhi

..Respondents

(By Advocate Shri H.K.Gangwani)

OA 2245/2001

1. Shri Tej Prakash,
S/0 Shri Devi Singh,
R/0 A-866, Budha Marg,

Mandawali Fazalpur, Delhi-110092

2. Sh.Harender Singh,
S/0 Shri Richpal Singh,
R/0 Girdharpur,
Post Office Gurukul Sikandara,
Tehsil Sadar, Distt. Gautambudh Nagar,U.P. ...Applicants

(By Advocate Shri D. K. Hira)

VERSUS

1. Union of India,
through the Secretary to the
Govt. of India,
Department of Personnel & Training,
North Block, New Delhi.

2. The Director,
Central Bureau of Investigation,
CGO Complex, Block No.III,
Lodhi Road, New Delhi. ...Respondents

(By Advocate Shri H. K.Gangwani)

O R D E R (ORAL)

Mr. Justice V.S. Aggarwal, Chairman

By this common order, we intend to dispose of the following five OAs because common questions are involved.

2. The Central Bureau of Investigation invited applications on 13.4.2000 for filling up 134 posts of Constables Male/Female (Executive) and 5 posts of Male Constables (Motor Transport) in various Branches located all over India. Several persons, including applicants applied. The candidates had undergone for written test on 24.4.2000 and interview on 30.4.2000. The result was declared and the applicants were declared to be successful. There was a of litigation and ultimately when the matter went to Supreme Court in Civil Appeal No.5321/2003 arising out of S.L.P.(C) No. 8356/2002 **Union of India and Others** Vs. **Rajesh P.U. Puthuvalnikathu and Another**, the Supreme Court had upheld the order of the High Court and the directions of the High Court read:

> "In this case the reasons stated by the CBI for cancellation of the entire selection process are arbitrary and will not stand in the eye of law. After having found that selection process is not tainted with any illegality and that in the absence of any complaint against examinees indulging in malpractice's mere fact that CBI themselves have committed certain mistakes in the valuation and in the answer sheet would not vitiate the entire selection process. We are of the view in this case discrepancy if any detected in

> their answer sheets is a discrepancy which has to be corrected by CBI themselves for which persons like the petitioner cannot be penalized. We have therefore no hesitation in the facts and circumstances of the case to direct the CBI to complete the entire recruitment process. CBI must take steps to correct the discrepancies and re-arrange the select list and complete the selection process. This would be completed within a period of two months from the date of receipt of a copy of this judgment. It is so ordered. The order of the Tribunal therefore would stand set aside. Original petition is allowed.

In pursuance of the said directions, the results were re-drawn. Now the applicants were not found to be declared as successful.

3. During the course of the submission, the applicants contended that they have not even been informed as to how the corrections were made and why their names have been deleted from the list of successful candidates. Learned counsel, therefore, prays for a limited relief, namely, that the applicants should be informed all these facts so that they are not kept in dark and they can take recourse under law. In our considered opinion, the offer made is fair in the peculiar facts of the present case because of the reason that in the sequence of events which we have referred to above, the applicants, who were earlier successful, were declared to be unsuccessful after certain corrections made in pursuance of the order of the High Court upheld by the Supreme Court.

4. Thus to keep the scale even, we dispose of the present application directing:

a) that the official respondent, i.e. CBI will inform the applicants as to the marks that were secured by them and after corrections were made the marks assigned to them in result of which they became unsuccessful.

b) Therefore, no further opinion needs to be expressed. The applicants can take recourse under law thereafter.

c) It is directed that necessary compliance should be done within a period of two months from the date of receipt of the certified copy of the present order.

(S.A. Singh)
Member (A)

(V.S. Aggarwal)
Chairman

/kdr/