

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

O.A. No. 2925 of 1992

New Delhi, date this 10<sup>th</sup> day of March, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Tulsi Ram,  
S/o late Shri Rama Nand,  
R/o Qr. No.701,  
Sector VIII,  
R.K. Puram,  
New Delhi-110022.

.... Applicant

(By Advocate: Shri B.B. Raval)

Versus

1. Union of India through  
the Secretary,  
Ministry of Defence (Finance),  
South Block,  
New Delhi.

2. Controller General of Defence Accounts,  
West Block No.5,  
R.K. Puram,  
New Delhi-110066.

.... Respondents

(By Advocate: Shri KCD Gangwani)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns respondents' letter dated 4.8.92 (Ann. A) and seeks a direction to respondents to declare him passed and qualified in SAS Part II Exam. in which he appeared in 1981 with all consequential benefits.

2. Applicant who belongs to SC community contends that he secured the required 40% marks in all individual papers and the required 45% in the aggregate, except that in Paper VII he secured 36% marks and therefore fell short by only 4 (four) marks. His contention is that as per Hon'ble Supreme Court's judgment in CAG of India Gyan

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Prakash, New Delhi & Anr. Vs. K.S. Jaganathan & Anr. 1986 SCC (L&S) 345 which mandates relaxation of 25 marks for all SC/ST candidates of SAS Part II Exam.. he is entitled to the 4 marks by which he fell short and thus to be declared qualified.

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3. Respondents have taken the stand in their reply that the aforesaid judgment of the Hon'ble Supreme Court had directed CAG of India to allow relaxation upto a total of 25 marks in individual papers or in aggregate to SC/ST candidates of SAS Exam. Part II (Ordinary) conducted by his dept. during 1980-85, but the Defence Accounts Dept. in which applicant is serving is not under CAG's administrative control and hence the aforesaid judgment is not against DAD. It has further been stated that in O.A. No. 1449/90 N.R. Rajoria & Anr. Vs. UOI & Ors. decided by CAT, P.B. on 13.4.92 similar reliefs by those applicants in regard to the 1981 SAS Part II Exam. prayed for, were denied and the O.A. was dismissed.

4. We have heard applicant's counsel Shri Raval and respondents' counsel Shri K.C. D. Gangwani. We have also perused the materials on record and given the matter our careful consideration.

5. In the aforesaid judgment in Rajoria's case (Supra), the Hon'ble Supreme Court's judgment in Jaganathan's case (Supra) was discussed. While dismissing that O.A. it was also noticed that 3% relaxation had already been made admissible to SC/ST candidates in terms of O.M. dated 21.1.77

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and that O.M. specifically provided that the extent of relaxation should be decided on each occasion, keeping in view various surrounding factors.

6. Nothing has been shown to us to suggest that the CAT's judgment in Rajoria's case (Supra) has not become final. We as a Coordinate Bench are bound by the same.

7. In the result the O.A. is dismissed. No costs.

*Lakshmi Swaminathan*

(Mrs. LAKSHMI SWAMINATHAN)  
MEMBER (J)

*S.R. Adige*

(S.R. ADIGE)  
VICE CHAIRMAN (A)

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