

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL

Allahabad Bench, Allahabad.

Original Application No. 512 of 1998.

Allahabad, this the 18th day of September, 2002.

Hon'ble Maj Gen KK Srivastava, A.M.

Hon'ble Mr. A.K. Bhatnagar, J.M.

Adesh Kumar Shukla son of Sri Brahm Prakash Shukla,
107, Salori, Teliyarganj, Allahabad- 211004.

.....Applicant.

Counsel for the Applicant: Sri A.K. Dave
Sri R.K. Tiwari.

Versus.

1. Union of India through Ministry of personnel and Training, New Delhi.
2. The Director, Staff Selection Commission Central Region, 8, A-B, Beli Raad, Allahabad.

.....Respondents.

Counsel for the Respondents: Sri P Mathur.

O R D E R(Oral)

(By Hon'ble Maj Gen KK Srivastava, A.M.)

In this O.A., filed under section 19 of the A.T. Act 1985, the applicant has prayed that the impugned order dated 09.09.1996, canceling the candidature of the applicant by respondent No. 2 be set aside and the respondent No. 2 be directed to accept the candidature of the applicant and recommend the name of the applicant for appointment as Divisional Accountant/Auditor/U.D.C on the basis of examination 1994.

2. The facts, in brief, giving rise to this O.A., are that in pursuance of the advertisement, the applicant applied to appear in the written examination of Divisional Accountant/Auditor/U.D.C etc. examination 1994 conducted by the respondent No. 2, which was held on 26.03.1995. The applicant appeared in the examination and was declared successful in the written examination. The applicant was



directed on 07.03.1996 to submit High School certificate, graduation certificate, ⁱⁿ mark sheet, specimen signature in Hindi and English and passport size photographs for verification. Applicant appeared personally before the respondents with the required documents. The Commission by notice dated 09.09.1996 informed the applicant and his candidature has been cancelled by the Commission on the ground on impersonation to secure a Government job by fraudulent means. Before that the applicant was served with the show cause notice on 29.08.1996. Hence this O.A.

3. Sri A.K. Dave, learned counsel for the applicant submitted that the action of the respondents in cancelling the candidature of the applicant is totally illegal and against the principles of natural justice. It is not disputed that the respondents issued the show cause notice, but the documents which have been relied upon, forming the basis of the decision arrived at by the respondents, have not been supplied. Thus, the applicant has been denied the reasonable opportunity to defend his case. Learned counsel for the applicant relied upon the judgement of this Tribunal dated 05.06.2002 in O.A. No 520/99, Jai Shanker Lal Srivastava vs. Union of India and others, and also judgement dated 03.09.2002 in O.A. No. 428/99, Rakesh Kumar Dubey vs Union of India and others.

4. Sri P. Mathur, counsel for the respondents contesting the claim of the applicant tried to justify the action of the respondents and submitted that there are clear cut discrepancies in the photo and signatures between these which were submitted at the time of examination and the others submitted for the verification.

5. We have heard learned counsel for the parties, carefully considered their submissions and perused records.

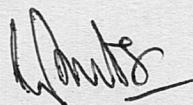
6. In our opinion, it is incumbent upon the respondents to supply the documents to the applicant on which they have based

their findings and have ordered for cancellation of the candidature of the applicant. Such controversies have been decided in various cases by this Tribunal as well as by Superior Courts. We have perused the order of this Tribunal dated 05.06.2002 passed in O.A. No 520/99 (Supra) and also the order dated 03.09.2002 passed in O.A. No. 428/99 (Supra). The ratio laid down in both the O.A.s are squarely applicable in this case and in view of the same the impugned order dated 09.09.1996 is liable to be quashed.

In the OA is allowed and
7. In the facts and circumstances and aforesaid discussions, the impugned order dated 09.09.1996 is quashed. The case is remanded to respondent No. 2 to pass fresh order, if necessary, in accordance with law within 2 months from the date of communication of this order.

8. There shall be no order as to costs.


Member (J)


Member (A)

Manish/-