

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1409 OF 1998
ALLAHABAD THIS THE 13TH DAY OF JANUARY, 2004

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-B

Ahmad Khalid Ansari,
son of Sri Ahmad Husain Ansari,
resident of B/1021, G.T.B. Nagar (Kareli).,
city and District-Allahabad.

.....Applicant

(By Advocate Sri S.S. Tripathi)

Versus

1. The Union of India,
through Principal Secretary,
Ministry of Personnel Public Grievances and Pensions,
Civil Secretariat, New Delhi.

2. The Regional Director (C.R.),
Government of India,
Staff Selection Commission (CR),
Department of Personnel and Training,
Ministry of Personnel,
Public Grievances and Pensions,
8 AB, Beli Road, Allahabad.

.....Respondents

(By Advocate Shri P. Mathur)

ORDER

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

The applicant in this O.A. has sought for quashing the
impugned order dated 19.11.1998 passed by respondent no.2 by

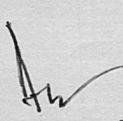


which the candidature of the applicant for the recruitment of post of Clerk 1996 held on 22.09.1996 has been cancelled and also that he has been debarred from appearing in all future examinations of Staff Selection Commission for the period of three years w.e.f. 02.09.1996.

2. The applicant in pursuance to the notification issued in the year 1996 submitted his application form. The applicant was issued admit card and was assigned Roll No. 2428808. He appeared in the examination for the recruitment of the Clerks 1996 and was declared successful. However, the respondents issued a show cause notice on 23.10.1998 to the applicant regarding use of unfair means/inpersonation. The applicant submitted a detailed reply to the respondent no.2 on 05.11.1998 (Annexure A-8) requesting for the supply of certain documents which admittedly were not supplied to him.

3. In our opinion, non supply of the documents requested by the applicant tantamounts to denial of reasonable opportunity to the applicant and thus, the action of the respondents is violative of Principles of Natural Justice. Under the circumstances, the impugned order dated 19.11.1998 cannot sustain in the eyes of law and is liable to be quashed.

4. In the facts and circumstances, the O.A. is allowed. Order dated 19.11.1998 is quashed. The matter is remitted back to respondent no.2 to pass a fresh order after supplying the copy of the relied upon document as sought for in the representation of the applicant dated 05.11.1998. In case certain documents cannot be given, the applicant may be called for in the office and shown the documents sought for. No costs.


Member-J


Member-A