



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 24/2021

This the 11th day of January, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Shri Pankaj Mohan,
S/o Late Sh. Bhim Singh,
Age – 38 years,
R/o House No. 35, Masihgarh,
Near Sukhdev Vihar,
New Delhi – 110025.

... Applicant

(through Mr. Ankit Ojha, Advocate)

Versus

1. Delhi Subordinate Services Selection Board,
Through its Chairman,
FC-18, Institutional Area,
Karkardooma, New Delhi – 110092.
2. New Delhi Municipal Council,
Through its Chairman,
Palika Kendra, Parliament Street,
New Delhi – 110001.
3. Mr. X
Having Roll No. 4760000011
(Service through respondent No.1)

... Respondents

(through Ms. Esha Mazumdar and Mrs. Sriparna Chatterjee,
Advocate)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

New Delhi Municipal Corporation intended to appoint the Assistant Law Officer. An advertisement was issued in the year 2014 with Post Code No.31/15. The applicant, the third respondent and several others took part in the selection process. The written test was also held in two stages, i.e. Tier-I and Tier-II. The applicant secured 142.25 marks in aggregate and the third respondent, 159 marks. The latter was selected as Assistant Law Officer. This OA is filed with a prayer to cancel the selection of the third respondent and to declare the applicant successful for the post of Assistant Law Officer.

2.The applicant contends that the third respondent does not have essential experience of 2 years to his credit and despite that, respondents 1 and 2 have selected him.

3.We heard Shri Amit Ojha, learned counsel for the applicant and Mrs. Esha Mazumdar and Mrs. Sriparna Chatterjee, learned counsel for the respondents.

4.This OA is totally misconceived for more than one reason. First is that the OA is filed challenging the selection. It is only when selected candidate is appointed that the cause of

action for the unsuccessful candidates would arise. The selection as such cannot be challenged. The second is that the applicant is far inferior in merit, compared to the third respondent. The third is that the applicant is proceeding on the assumption that the experience of two years must be only as Junior Advocate. It is not in dispute that the third respondent was enrolled somewhere in 2012 and he practised for some time independently and on other occasions, as Junior Advocate. The applicant cannot stipulate his own definition of experience.



5. Viewed from any angle, we do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/rk/ankit/dsn