

7

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Original Application No. 380 of 1993

Allahabad this the 23/2 day of Jan 1996

Hon'ble Dr. R.K. Saxena, Member ( J )  
Hon'ble Mr. S. Dayal, Member ( A )

Bharat Bhawan, S/o Sri Sharda Prasad R/o 465/341/3-A,  
Shastri Nagar, Sadiapur, Distt. Allahabad.

Applicant.

By Advocate Shri M. S. Hay

Versus

1. The Union of India, through the Senior Secretary, Ministry of Personnel, Public Grievances of Pension, Lodi Road, New Delhi.
2. The Chairman, Staff Selection Commission, Department of Personnel and Training, Kendriya Karyalaya Parisar, Block No.2, Lodi Road, New Delhi.

Respondents.

By Advocate Shri P. Mathur.

O R D E R

By Hon'ble Dr. R.K. Saxena, Member ( J )

The applicant has approached the Tribunal challenging the order of rejection of the request by the applicant for subsequent date being fixed for typing test.

.....pg. 2/-

2. The facts of the case are that the applicant had applied for the post of clerk grade examination which was published by Staff Selection Commission, New Delhi. He was allotted Roll No. 2411187. He appeared in the written test and was informed to appear for the typing test on 29.7.1990. It is contended that ~~on~~ 28.7.1990, he broke his hand in an accident and thus, he was unable to appear in typing test on 27.9.1990. He moved an application ~~on~~ <sup>the</sup> 29.7.1990 requesting for any date for test. The reminders annexure-4 to 6 and 9 were also given but, it was rejected by annexure-1. Hence, this O.A.

3. The respondents filed reply with the grounds that the applicant had not approached promptly the Tribunal with cogent reasons. It is admitted that the applicant had appeared in the Clerk Grade examination in the year 1989 and on the basis of the result of Written examination, he was called for the Typing Test. Since, he did not appear in the said typing test and had requested for grant of another chance only a day before the examination, hence his request was not accepted. It is further contended that the Staff Selection Commission did not allow second chance for test unless the exceptional circumstances such as postal delay, natural calamities are shown. The respondents also point~~s~~ out that the application of the applicant did not fall within the exceptional circumstances, the application for grant of time was

rejected. The case of the respondents is also to the effect that about eight Lakhs of candidates all over the country had appeared and the result was required to be pronounced with urgency; and if, such request for subsequent tests are entertained it would upset the whole programme. Besides, it is also alleged that the cogent reasons had not been shown. The merit has been denied in the case.

4. The applicant also filed rejoinder, reiterating the facts which were brought out in the O.A.

5. We have heard the learned counsel for the parties and have perused the record.

6. The applicant has brought on record the Admit Card of the Clerical grade examination. The respondents have not disputed the candidature of the applicant and, therefore, it stands established that the applicant had appeared in Clerical Grade examination conducted by the Staff Selection Commission.

7. It is also not in dispute that the applicant was called for typing test on 29.7.90 but he failed to appear. The grounds disclosed by the applicant is that he had sustained injuries in the right hand which was plastered and, therefore, he could not appear in the test. Learned counsel

for the respondents has drawn our attention towards the medical certificate annexure-6 in which the applicant was shown suffering from self-accidental injury. He thereby points out the suspicion in the correctness of the ground taken by the applicant. It is not clear as to how injury was <sup>or could be</sup> caused by self inflicted accident.

8 Learned counsel for the respondents also brought on record the circular dated 21.3.1991 (C.A. -1) which was dealing with such situation of second date of typing test. It is contended that prior to 21.3.1991, there was no such circular and respondent no.2 could not exercise such power even for granting another date for typing test. It was on issuance of this circular in 1991 that the Commission could exercise the power of granting another opportunity in exceptional circumstances when the candidate could not get the information due to postal delay, natural calamities or etc. In view of this fact, the rejection of the request of the applicant through Annexure A-1, cannot be said to be illegal.

9. It is important to note that the typing test was required to be held on 29.7.1990 and this O.A. has been filed in 1993. By now, the result of the examination must have been declared and even if, we exercise the jurisdiction of <sup>8</sup>

:: 5 ::

equity, it will not help the applicant. As a matter of fact, he should have approached the Tribunal at the earliest possible time. We cannot undo what has been done by declaring the results.

10. On the consideration of the facts and circumstances of the case, we are of the view that there is no merit in the case of the applicant and it is, therefore, rejected.

11. No order as to costs.

  
Member ( A )  
Member ( J )

/M.M./