

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1254 of 1994

S.K.Gupta Applicant.

Versus

Union of India & Ors. Respondents.

Hon'ble Mr. S.Das Gupta, Member-A
Hon'ble Mr. T.L.Verma, Member-J

(By Hon'ble Mr. S.Das Gupta, A.M.)

Heard Shri Sudhir Agarwal, learned counsel
for the applicant on admission.

2. The applicant's case is that on being successful in the Indian Forest Service Examination, 1992. He joined at Indira Gandhi National Forest Academy, Dehradun as Indian Forest Service (Probationer) pursuant to the appointment order dated 15.04.1994. Thereafter, he appeared in the Civil Services Preliminary Examination, 1994 on 26.06.1994 for which, he had submitted his application before joining as I.F.S. (Probationer). The applicant has since qualified in the Preliminary Examination and is now required to appear in the mains examination.

3. It has been stated in the application that the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) have since issued a notification dated 24.06.1994 enacting an amendment to the I.F.S. (probation) Rules 1985 by introduction of of a provisoth Sub-Rule 1 of Rule 6 ibid which reads;

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"Provided that no probationer in the service, shall, during the period of training of the Forest Research Institute and Colleges, Dehradun appear either in the Civil Services Examination or any other examination for appointment to the Central or State services by Open Competitive Examination"

It is stated that this notification was ^t come into force on the date of their publication in the official gazette. This notification has been forwarded to the Director, Indira Gandhi National Forest Academy, Dehradun for ^{strict} ~~quick~~ compliance and according to the applicant, he has also been given a copy of the same by the respondent No. 3. Apprehending that he might be prevented from appearing in the Civil Services Mains Examination, the applicant submitted a representation dated 23.07.1994 in which he has inter alia, challenged the validity of the said notification and has prayed that he be allowed to appear in the Civil Services ^{Mains} Examination of 1994 and also ~~in~~ future Civil Services Examinations.

4. On the basis of the above facts, the applicant has prayed for the relief of quashing the impugned notification dated 24.06.1994 and also ^{of} for issue, a direction to the respondents not to prevent the applicant from appearing in the Civil Services Examination, 1994 or thereafter.

5. From the facts submitted in the application and also the oral submissions made by the learned counsel for the applicant, it appears that apart from giving a copy of the impugned notification to the applicant, the respondents have not taken any overt action in

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preventing the applicant from appearing in the Civil Services Mains Examination of 1994. The applicant is stated to have joined as a Probationer before the date of issue of the notification which in any case is to come into effect prospectively from the date of its actual notification in the official gazette. The apprehension of the applicant that he may be prevented from appearing in the Civil Services Examination does not appear to be well-founded at this stage. We are, therefore, of the view that the application at this stage is premature. The cause of action, if at all, will arise only if the applicant submits his application for the Mains Examination and the same is not forwarded by the respondent No. 3 or ^{he} is otherwise refused permission to appear in the Civil Services Examination, 1994. The applicant therefore should fill the application form for the 1994 Civil Services Mains Examination and submit it to respondent No. 3 for onward transmission to the Union Public Service Commission. If the respondent No. 3 refuses to forward the same to U.P.S.C. or takes no action for forwarding the same, the applicant may approach the Tribunal for appropriate orders.

6. The application is otherwise premature at this stage and the same is disposed of accordingly with the above observations.


Member-J


Member-A

Allahabad Dated: 26.08.1994

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