

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.287/1999

WEDNESDAY, THIS THE 24TH DAY OF APRIL, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

Bhaghirati Pal,
S/o Shri Mahant Pal,
R/o Village Beshupur,
Post Ghanshyampur,
District Jaunpur. Applicant

(By Advocate Shri A.K. Tripathi)

Versus

1. Union of India, through its Secretary Personal, Public Grievances, New Delhi.
2. Staff Selection Commission, through its Secretary, Department of Personnel & Training, Ministry of Personnel, New Delhi.
3. Staff Selection Commission (C.R.), Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions, 8A-B, Beli Road, Allahabad-211002, through its Assistant Director.
4. Regional Director (CR), Staff Selection Commission, 8A-B Beli Road, Allahabad - 211 002. Respondents

(By Advocate Shri P. Mathur)

ORDER

Hon'ble Mr. C.S. Chadha, Member (A):

The case of the applicant is that he appeared for the examination for selection to the post of Stenographer Grade-'D'. However, despite his being declared successful,

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he did not receive any appointment order. On the other hand, he received a show cause notice dated 16-10-1997 (Annexure-2), by which it was alleged that the applicant had procured impersonation in the examination and that he should show cause why his candidature should not be cancelled. It was further stated in the show cause notice that if he does not appear in person within 15 days and show cause, it will be presumed that he has nothing to say. He duly represented and his representation was rejected vide Annexure-1, dated 25.6.1998.

in the case for
2. The first infirmity *is* that the show cause notice does not mention the ground on which the respondents came to the conclusion that the applicant had procured impersonation. A person cannot be considered to have been given due opportunity to explain his conduct unless specific charges are mentioned in the show cause notice. Further, we find that Annexure-1 is also a non speaking order. It simply states "His reply in this regard has been examined carefully but found unsatisfactory." What was the charge and why the explanation was found unsatisfactory has not been mentioned. In view of the infirmities in the show cause notice as well as in the final order dated 25.6.1998, we are unable to sustain them and therefore, the action taken vide the impugned order is quashed.

to applicant
3. Nevertheless, it is not our intention at all that *the* be given an appointment without going into *the* specific

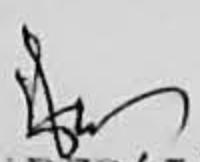
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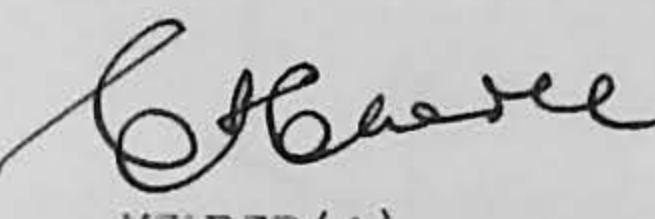
for which ~~for~~
charges ~~which~~ the department thought that it had proof.

All that the respondents need to do now is to issue a fresh show cause notice outlining the details on which they have come to the conclusion that the applicant had procured impersonation and after giving him due opportunity to be heard as well as ~~to~~ ^{an opportunity for} cross examine any witness that ~~be~~ may ^{be} produced against him, pass a fresh speaking order within a period of three months from the date of issue of a fresh show cause notice according to the directions mentioned above.

4. The O.A. is therefore partially allowed. No order as to costs.



MEMBER (J)



MEMBER (A)

psp.