

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION No.1372 OF 2002

TUESDAY, THIS THE 26th DAY OF NOVEMBER, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

Bhagirathi Pal,
s/o Shri Mahanth Pal,
r/o village Besahupur,
Post Ghanshyampur,
District-Jaunpur.

...Applicant

Counsel for the Applicant Shri L.P. Pal

V E R S U S

1. Union of India, through its Secretary, Ministry of Personnel, Public Grievance&Pensions, 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 and Training Ministry of Personnel, Public Grievances and Pensions, 8 A-B, Beli Road, Allahabad through its Assistant Director.
4. Regional Director, (C.R.), Staff Selection Commission, 8A-B Belo Road, Allahabad.

...Respondent s

Counsel for the Respondents: Shri R.P. Singh

O R D E R

Hon'ble Mr.Justice R.R.K. Trivedi, Vice-Chairman

By this O.A., applicant has challenged the order dated 19.08.2002 (Annexure-I) by which Staff



...2/-

Selection Commission, respondent No.3 as passed the order cancelling the candidature of the applicant Shri Bhagirathi Pal for recruitment of Stenographer Grade-D, 1996.

2. The facts of the case are that applicant appeared ^u for recruitment as Stenographer Grade-D with roll No. 2410994. The candidature of the applicant was cancelled ^{by u} giving show cause notice dated 06.10.1997. The order was challenged in this Tribunal by filing O.A. No.287 of 1999. The O.A. ^{was} disposed of finally by order dated 24.04.2002. The direction given was as under:-

"Nevertheless, it is not our intention at all that he be given an appointment without going into the specific charges for 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 ^u imprisonment and after giving him due opportunity to be heard as well as an opportunity to cross examine any witness that 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."

3. In pursuance of the above order, respondents issued notices to the applicant on 04.06.2002, 02.07.2002 and 25.07.2002. The order says that applicant did not appear before the competent authority for inspection of the documents and for cross-examining the witness, ^{however,} he avoided the enquiry. Consequently respondents passed the order dated 19.08.2002 cancelling the candidature of the applicant for recruitment of Stenographer Grade-D, 1996.

4. Learned counsel for the applicant has submitted that the impugned order is not speaking order and it cannot be sustained. However, as the applicant ^{has} not filed



any reply to the show cause notice, nor has inspected the documents. In the circumstances, on basis of material available to the respondents, they have passed the order cancelling the candidature. We have also perused

5. We have also perused the application dated 17.07.2002 of the applicant and order passed on 25.07.2002. From the perusal of the documents, it appears that the applicant was not interested in participating ^{in the} enquiry. The selection was of 1996, more than 6 years have already passed.

6. Considering the facts and circumstances of the case, we do not find it a fit case for interference. The O.A. is accordingly rejected. No order as to costs.



MEMBER (A)



VICE-CHAIRMAN

shukla/-