

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

...

original Application No. 649 of 2003

this the 28th day of September 2004.

HON'BLE MR. JUSTICE S.R. SINGH, V.C.

HON'BLE MRS. ROLI SRIVASTAVA, MEMBER (A)

Prakash Chand Pandey, aged about 29 years, S/o Sri Deo  
Narain Pandey, R/o 412/3E Rajendri Nagar, Bakshi Khurd,  
Daraganj, Allahabad.

Applicant.

By Advocate : S/Sri Arvind Yadav & K.P. Singh.

Versus.

1. Union of India through Secretary, Ministry of  
personnel, public Grievances & Pension, New Delhi.
2. Staff Selection Commission, ( Central Region),  
8 A-B Beli Road, Allahabad through its Regional  
Director.

Respondents.

By Advocate : Sri Rajeev Sharma.

ORDER

BY JUSTICE S.R. SINGH, V.C.

The applicant appeared for the post of Inspector,  
Central Excise & Income Tax ETC, 1996 (Re-examination)  
pursuant to the directions given by the Hon'ble High Court  
in Civil writ petition No. 2446 of 1999 in re. Prakash  
Chand Pandey Vs. Union of India & Ors. The said writ  
petition was finally disposed of on 11.6.1999 with a  
direction to the second respondent to the writ petition  
to consider the representation of the petitioner, which  
*I was required to*  
*be* filed within 24 hours alongwith copy of the order  
and if the facts stated *were* correct, petitioner *would*  
also be provided opportunity to appear in the examination.

*By*

It appears that though the applicant was allowed to take the examination pursuant to the directions given by the Hon'ble High Court, his result was not being declared, where-upon he instituted another writ petition no. 15756 of 2001, which was disposed of vide judgment and order dated 5.2.2002 with a direction to the respondents to examine the copy of the petitioner and thereafter declare the result of his examination. However, the department had preferred Special Appeal against the said order, but pending decision of the special appeal, the applicant was called-upon to appear before the interview Board and thereafter by means of the impugned order dated 12.3.2003 it has been held that he <sup>did</sup> ~~does~~ not qualify for inclusion in the select list. The impugned order dated 12.3.2003 passed by the Regional Director (CR) has been <sup>made</sup> ~~made~~ subject to the out come of the Special Appeal no. 289 of 2002 <sup>of</sup> the Commission, which was admittedly pending before the Hon'ble High Court. It appears that the applicant then filed third writ petition no. 17793 of 2003, which came to be dismissed vide judgment and order dated 1.5.2003 on the ground that the same was not maintainable in view of the decision of the Hon'ble Supreme Court in L. Chandra-<sup>will observation that the C.A.T. is</sup> Kumar Vs. Union of India & Ors. (1997 (3) SCC 261) is the appropriate forum where the applicant could approach in the first instance to seek relief in the matter of recruitment in Central Government service. Though the order impugned herein <sup>is</sup> ~~was~~ subject to <sup>the</sup> ~~out~~ come of the Special appeal, <sup>but</sup> ~~but~~ we have entertained this O.A. in view of the order passed by the Hon'ble High Court on 1.5.2003 in writ petition no. 17793 of 2003.

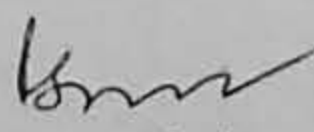
2. We have perused the result <sup>sheet</sup> ~~sheets~~ produced by the learned counsel for the respondents pursuant to the earlier order passed by this Tribunal. We find that the applicant has secured 324 marks as against 353 marks

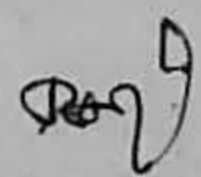
*[Signature]*



<sup>2</sup> secured by the candidate  
~~who was~~ last selected in general category for the post in question. The result has been prepared on the basis of marks obtained in the written examination as well as marks obtained in the oral test. The applicant was given 60 marks in the interview. The plea that the respondents were biased due to the reason<sup>2</sup> that the applicant had approached the Hon'ble High Court cannot be sustained and infact it is <sup>not</sup> open to be examined in view of the fact that no specific plea of malafide <sup>has been</sup> raised <sup>against</sup> any named individual and also in view of the fact that perusal of the appraisal sheet would indicate that the performance rating of the applicant has been assessed as 'Very Good' and the applicant has been given 60 marks out of 100 in the interview. If he could not compete <sup>will</sup> ~~be~~ others on the basis of total marks obtained in the written examination as well as in the interview, he cannot blame the respondents perusal of Master sheet and answer sheet <sup>does</sup> ~~do~~ not indicate that any illegality or irregularity in the examination was committed in the course of evaluation of the answer-sheet and performance of the applicant during the interview.

3. In view of the above, the O.A. is devoid of merits and is accordingly dismissed. Parties are directed to bear their own costs.

  
MEMBER (A)

  
VICE CHAIRMAN

GIRISH/-