

(Reserved on 16.07.2013)

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 7th day of Nov., 2013

ORIGINAL APPLICATION NO. 509 of 2006

**HON'BLE MR. SHASHI PRAKASH, MEMBER-A
HON'BLE MS. JASMINE AHMED, MEMBER-J**

Pramod Das Gupta, Aged about 35 years, son of Late Ram Autar Prasad Gupta, Permanent resident of College Road, P.O - Dohrighat, District - Mau, U.P - Pin Code 275303.

V E R S U SApplicant.

1. Union of India through Secretary, Ministry of Home Affairs / Grah Mantralaya, Room No. 220, North Block, New Delhi.
2. Joint Secretary (Police), Ministry of Home Affairs, Government of India, North Block, New Delhi.
3. Director (Police), Ministry of Home Affairs, Government of India, North Block, New Delhi.

..... Respondents
Present for the Applicant : Shri Shyamal Narain
Present for the Respondents: Shri Firoz Ahmed

O R D E R

By Hon'ble Mr. Shashi Prakash, A.M

Shri S. Narain, learned counsel for the applicant submitted that it is an old matter and that he has nothing to submit more than what has already been contained in the pleadings. In the light of this position he has stated that court may take a view based upon the facts and circumstances stated in the O.A.

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2. Briefly the facts of the case are that based upon his success in Civil Services Examination held in the year 2000, the applicant joined the foundation course at Lal Bahadur Shashtri National Academy of Administration, Mussoorie. During the ongoing foundation course the applicant was allocated Nagaland cadre in I.P.S vide Notification dated 24/25.09.2001. The applicant was also requested to accept offer of appointment within a week. The offer of appointment was served upon the applicant by the Director of the Academy. On receipt of offer of appointment to I.P.S the applicant submitted a letter to the Director of the Academy on 10.10.2001 (Annexure CA-3) conveying his inability to continue his service in I.P.S due to some problem and submitted his resignation from service to take effect on 11.10.2001. Thereafter the applicant kept quiet for almost four years and submitted a representation dated 14.02.2006 addressed to the Union Home Minister stating that he had to leave the foundation course on account of certain personal problem. He also raised the issue relating to the category in which he was selected. His main grievance is that his candidature has been cancelled by an order dated 04.04.2003 without serving any show cause notice to him, which is against the rules.

3. Shri F. Ahmed, learned counsel for respondents argued that the applicant had himself submitted a letter dated 10.10.2001 expressing his unwillingness to continue in I.P.S

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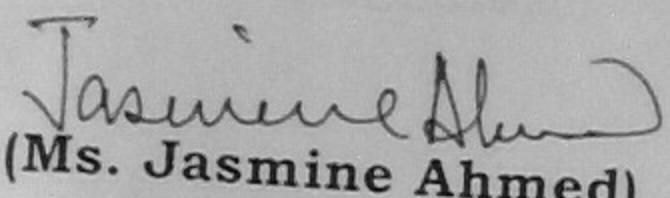
cadre because of his personal problem. In view of this specific action on the part of the applicant there was no requirement of serving any notice to him before canceling his appointment. He argued that for cancellation of appointment the applicant himself is responsible and he is trying to mislead the Court.

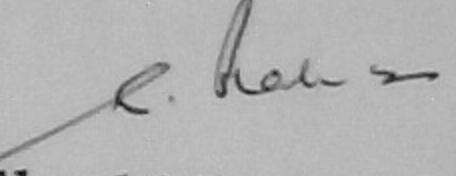
4. We have heard learned counsels of either sides and perused the pleadings.

5. There does not appear any necessity to go in the details of the proceedings. From the face of record it is evident that the applicant vide his letter dated 10.10.2001 had expressly stated his inability to continue in I.P.S on account of personal reasons and therefore, tendered his resignation on 10.10.2001. In view of this explicit expression of will of the applicant not to continue in I.P.S, the respondents were left with no option but to discontinue his service and therefore, cancelled his candidature in 2002. Moreover, the applicant being on probation his services otherwise could have also been terminated without giving him any show cause notice. The present Original Application, which is filed after four years of the cancellation of the candidature of the applicant, itself is indicative of the fact that it is an after thought and he is using the lame excuse of non-serving of notice as a pretext for seeking re-appointment.

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6. In view of the above facts and circumstances we do not find any merit in the O.A and it is dismissed accordingly. No costs.


(Ms. Jasmine Ahmed)
Member-J


(Shashi Prakash)
Member-A

Anand....