

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 385/99

Date of Decision: 18.5.1999

Dr. Mangesh Prakash Tarte and others Petitioner/s

Shri P.G. Deshmukh for Advocate for the  
Shri S.R. Atre. Petitioner/s.

v/s.

Union of India and others Respondent/s

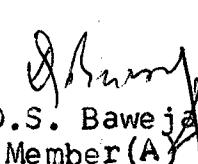
Shri C.S. Anand for respondent No. Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri D.S. Baweja, Member (A)

Hon'ble Shri

- (1) To be referred to the Reporter or not? ✓
- (2) Whether it needs to be circulated to other Benches of the Tribunal? ✓

  
(D.S. Baweja)  
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, MUMBAI:1

Original Application No.385/99

Tuesday the 18th day of May 1999.

CORAM: Hon'ble Shri D.S. Baweja, Member (A)

1. Dr. Mangesh Prakash Tarte  
R/o 11, 'Sai Sandeep'  
Vidya Colony, Phule Nagar,  
Pathardi, District: Ahmednagar,
2. Ravindra Ramesh Bhardwaj  
R/o Bhardwaj Galli  
at Post : Shevgaon  
Tq. Shevgaon, Dist.  
Ahmednagar.
3. Shri Rajiv K. Arke  
R/o C/o K.R. Arke,  
Dr. Ambedkar Nagar  
At post Tq. Sillod  
Dist. Aurangabad.

... Applicants.

By Advocate Shri P.G. Deshmukh for Shri S.R. Atre.

V/s.

1. Union of India through  
The Secretary,  
Department of Personnel and  
Training, Ministry of  
Personnel, Public Grievances  
and Pensions, South Block  
New Delhi.'

2. The Secretary  
Union Public Service Commission  
Dholpur House, Shahajan Road,  
New Delhi-11.

... Respondents.

By Advocate Shri C.S. Anand.

ORDER (ORAL)

( Per Shri D.S. Baweja, Member (A) )

This application has been filed jointly by three applicants. The Applicants' case is that after being successful in the Preliminary Examination of the Civil Service Examination 1998, they have appeared in the Main Examination. The applicants submit that as per the notification for the examination, 740 vacancies have been indicated.

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However subsequently at the time of calling of candidates for interview, the vacancies have been reduced to about 482 and only 964 candidates (twice the vacancies to be filled) have been called for interview. The applicants' case is that if the candidates are called for interview as per the notified vacancies i.e. 740, they would have come in the zone of consideration for the interview. The applicants are aggrieved by not being called for the interview and the present O.A. has been filed on 20.4.1999 seeking a direction to the respondents to maintain the vacancies as notified in the original advertisement and call the candidates for interview based on number of notified vacancies. Alternatively, the applicants have also sought a relief that in case the vacancies are reduced by the Union Public Service Commission (UPSC) direction be issued to call candidates for interview in the proportion of 1:3 instead of 1:2 of the vacancies to be filled.

2. Respondent No.2 i.e. UPSC has filed short reply opposing the admission and grant of interim stay order. No reply has been filed by respondent No.1.

3. Heard the arguments of Shri P.G. Deshmukh for Shri S.R. Atre learned counsel for the applicant and Shri C.S. Anand learned counsel for respondent No.2 on grant of interim stay order and admission.

4. The learned counsel for the applicant has argued that UPSC is not entitled to effect large scale reduction in the notified vacancies after the Main Examination, as the zone of consideration for interview is seriously affected reducing the

chance of those who had cleared the Preliminary Examination. On the other hand the learned counsel for respondent No.2 submits that the vacancies were approximately indicated in the notification based on the last 1996 Examination and subsequently the vacancies have been reduced based on the actual vacancies available. The respondent No.2 has further contended that he is within the legal right to reduce the vacancies as in the notification only approximate vacancies were indicated.

5. The learned counsel for the applicants brought out that similar matter had been agitated before the Lucknow Bench of this Tribunal and the O.A. was dismissed. However a Writ Petition No. 647(SB)/1999 was filed before the Allahabad High Court. The Allahabad High Court (Lucknow Bench) allowed the claim of the applicants and directed the UPSC to allow the petitioners to appear in the interview based on the zone of consideration as per the originally notified vacancies. A direction has also been given to the UPSC that they may consider to call all the candidates for interview beside the petitioners who come within the zone of consideration based on the original notified vacancies.

6. At this stage the learned counsel for the respondent No.2 brought out that the Government had filed a SLP No.7052/99 before the Hon'ble Supreme Court challenging the order of the Allahabad High Court. The Hon'ble Supreme Court heard the matter on 13.5.1999 and has not upheld the order of the Allahabad High Court. The learned counsel for the

respondent No.2 further stated that he could not get a copy of the judgement but he has received the communication to this effect from Delhi.

Keeping in view this submission, the claim of the applicants' does not survive and therefore the interim relief as prayed <sup>for</sup> cannot be granted. The O.A. also does not remain maintainable and therefore deserves to be dismissed at the admission stage.

6. In the result the O.A. is dismissed at the admission stage. No order as to costs.

  
(D.S. Bawali)  
Member (A)

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