

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 100/97.

Date of Decision : 26.3.97

Shri Praveen Kumar, Petitioner.

Shri M. S. Ramamurthy, Advocate for the Petitioner.


VERSUS

Union Of India & Others Respondents.

Shri V. S. Masurkar, Advocate for the Respondents.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).
HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

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


(B. S. HEGDE)
MEMBER (J).

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 100/97.

Dated this Pronounced, the 26th day of March, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

Shri Praveen Kumar,
112, Prabhat Nagar,
Meerut,
U.P. 250 001.

... Applicant

(By Advocate Shri M.S. Ramamurthy)

VERSUS

1. Union Of India,
Secretary,
Ministry of Finance,
Department of Revenue,
Govt. Of India, North Block,
New Delhi - 110 011.

2. The Secretary,
Staff Selection Commission,
Ministry of Personnel,
Administrative Reforms &
Pensions,
Department of Personnel &
Training,
Central Secretariat,
North Block,
New Delhi - 110 011.

3. The Regional Director,
Staff Selection Commission,
Army & Navy Building,
2nd Floor, M.G. Road,
Kalaghoda,
Mumbai - 400 001.

... Respondents.

(By Advocate Shri V.S. Masurkar).

: ORDER :

¶ PER.: SHRI B. S. HEGDE, MEMBER (J) ¶

Heard Shri M.S. Ramamurthy for the applicant
and Shri V. S. Masurkar for the respondents.

BS

2. The short question for determination is whether the letter issued by the Respondents vide dated 15.01.1997 is in accordance with the advertisement given by the respondents calling for applications by the Staff Selection Commission, New Delhi, for recruitment to the post of Preventive Officer/Inspector of Central Excise/Inspector of Income-Tax, etc. Pursuant to the advertisement dated 03.06.1995, the present applicant sent his application to the post of Preventive Officer and he selected the centre for examination at Pune, Western Region. He also sent an application for the same post to Eastern Region. The condition laid down in the notice for calling the application is that - "The candidate should send only one application and pay fee only once whether he wants to compete for one or more than one category of post(s)". It is also stated that a candidate should submit one application only. Multiple applications will be rejected summarily. Further, it is enumerated that an application will be summarily rejected at any stage of the recruitment process for not conforming to the official format/ having incomplete information/wrong information/ mis-representation of facts/left unsigned/submitted without fee where due/without a signed photograph pasted at the appropriate place/not accompanied by attested/certified copies of certificates in support of their claim for educations, qualifications, age, category, etc.

3. The contention of the learned counsel for the respondents is that the applicant had given wrong information and he had knowingly applied for more than one centre, which itself is a disqualification, as per the notification

182

issued by the respondents. The applicant has also given an undertaking in the application form, which is reproduced below :

"I have not submitted any other application for this Recruitment. I am aware that if I contravene this Rule, my application will be rejected by the Commission summarily."

That being the condition, it is needless to mention that the applicant has given false declaration and the rejection by the respondents is just and proper. It is true that the applicant appeared for the examination on 03.12.1995 and qualified in the said examination, the results whereof were published in the Employment News dated 29.11.1996. Thereafter, the applicant was required to be called for the personality test. However, in the meanwhile, the respondents had come to know that the applicant had sent his application for more than one centre, therefore, he was not called for the Personality Test. Accordingly, the respondents sent a letter vide dated 15.01.1997 stating the reasons of his not calling for the Personality Test. It is not the case of the applicant that he has not sent more than one application. He has admitted that he has sent more than one application but the contention raised in the O.A. by the learned counsel for the applicant is that, even if the applicant has sent more than one application, it is open to the respondents to reject the second application. Having passed the examination, it is incumbent upon the respondents to call him for the Personality Test.



4. During the course of hearing, the learned counsel for the respondents, Shri V.S. Masurkar, draws our attention to the decision rendered by the Principal Bench in O.A. No. 1682/96 vide dated 12.08.1996, where a similar application was made by Shri Mahendra Singh & Others, challenging the very same examination conducted by the respondents vide dated 03.12.1995. The Tribunal, after hearing both the parties stated that the applicants have submitted multiple applications for the same examination, which is in violation of para 14 of the Notice of the examination/instructions and they have made false declaration in the application forms. Therefore, their candidature for the examination has been cancelled. The learned counsel for the applicant, Shri M.S. Ramamurthy, also urged that the judgement of the Principal Bench is unjustifiable and per-incuriam. In this case also, it is not disputed that the applicant had applied for the same examination both in Western Zone and also Eastern Zone. Therefore, in our view, on the basis of admitted facts, the cancellation done by the respondents is justified and it is not just and proper for the Tribunal to interfere at this stage. The contention of the learned counsel for the applicant that the judgement of the Principal Bench is distinguishable and per-incuriam, has not been accepted and the same is rejected. The admitted position is that the applicant had suppressed the material fact and having given an undertaking, the applicant has no locus-standi to challenge the cancellation order issued by the respondents. Apart from suppression of facts, since the very same matter has already been decided by the Principal Bench, and dismissed on the ground that the applicants have suppressed the material fact, the said decision is binding on the

SSN

co-ordinating Bench of the Tribunal, thereby, the principle of res-judicata would come into play. In our opinion, there is no iota of merit in the petition and the contention raised by the learned counsel for the applicant is required to be rejected totally and is not based on any material on record. Normally, this sort of petition is required to be dismissed with cost. However, in the facts and circumstances of the case, we do not intend to impose any cost but the O.A. is dismissed at the admission stage itself. There will be no order as to cost.



(M. R. KOLHATKAR)

MEMBER (A).



(B. S. HEGDE)

MEMBER (J).

os*