

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1128 of 1993

DATE OF INTERIM ORDER: 20.9.1993.

BETWEEN:

Mr. N.Janardhana Reddy

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Applicant

AND

1. The Union Public Service Commission,
represented by its Secretary,
New Delhi-11.

2. The Officer-in-Charge,
National Informatics Centre,
Hyderabad-29.

3. The Union of India, represented by
its Secretary,
Ministry of Personnel, Public
Grievances & Pension,
New Delhi.

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Respondents

HEARD:

COUNSEL FOR THE APPLICANTS: Mr. P.Briz Mohan Singh, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj, Sr. CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI P.T.THIRUVENGADAM, MEMBER (ADMN.)

INTERIM ORDERS

(As per Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman)

Notice Before Admission. The applicant claims that he sent his application for the post of Assistant Provident Fund Commission^{-er} along with all the requisite certificates within the time stipulated, in pursuance of Advt.No.15, the notification No.F.1/80/92-R.VI published in the Employment News dated 25-30st July, 1992. The applicant^{-ly} claims that he is Physical/Handicapped person and hence he

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is exempted from payment of necessary fee and accordingly the fee was not paid. He also sent representations dated 16.3.1993, 30.8.1993 and 6.9.1993 requesting the UPSC (1st respondent) to inform him about the date on which the examination is going to be conducted. It is also stated for the applicant that ultimately the Hall Tickets were sent to the other applicants for the examination that is being held from 14th to 24th September, 1993, and the examinations are being held on each day for each batch. This OA is filed on 13.9.1993 praying for a declaration that the ~~xx~~ action of the respondents in not issuing the Hall Ticket to the applicant for the purpose of conducting the examination for recruitment test to the post of Assistant Provident Fund Commissioner in the Employees Provident Fund Organisation, Ministry of Labour, to be held between 14th and 24th September, 1993 in the National Informatics Centre, at Hyderabad, is illegal arbitrary and discriminatory and for issuance of the consequential direction to the respondents to permit the applicant to appear for the examination for the said post.

2. When the matter had come up for consideration on 13.9.1993, Mr. N.R. Devaraj, learned Senior Standing Counsel for the Respondent^{No.1} had taken time to have necessary instructions. Then the matter was adjourned to 17.9.1993, when it was stated that no information ^{was} received, it was again adjourned to today. Mr. Devaraj, learned Senior Standing Counsel for the 1st respondent produced the receipt No.991, dated 14.9.1993 of EMS Speed Post to establish that he addressed a ~~xx~~ letter to the Secretary, UPSC, New Delhi enclosing a copy of this OA and the material papers.

enclosing letter

contd....

To

1. The Secretary, U.P.S.C. Dholpur House,
Shajahan Road, New Delhi-11.
2. The Officer-in-charge, A.P.F.C.Examinations,
National Informatics Centre, A-Block,
Govt. Officers' Complex, Tank Bund Road,
Hyderabad-29.
3. The Secretary, Union of India, Ministry of Personnel,
Public Grievances & Pension, North Block
Parliament House, New Delhi.
4. One copy to Mr. P.Briz Mohan Singh, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.OGSC.CAT.Hyd.
6. One spare copy. (a)

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3. It is to be noted that the applicant claims that till now he was not informed that his application was rejected. It is also submitted that he enclosed Physically Handicapped certificate issued by the Orthopaedic Surgeon, Gandhi Hospital, Secunderabad along with the application. Para 7(vi) of the Advertisement No.15 referred to supra discloses that a copy of the certificate issued by the Medical Officer about the Physically Handicapped has to be enclosed along with the application. But therein it is also noted that the candidates claiming fee exemption under the said para 7 have to produce certificate in the prescribed proforma which will be supplied to them on demand by the Commission. It is not clear whether such proforma certificate should be produced along with the application or at the time of the interview and it is the matter for consideration in this OA. In view of the prima-facie case, we feel that it is just and proper to pass the following interim order:-

The 1st respondent has to issue Hall Ticket to the applicant and arrange the examination separately for him. Till the examination of the applicant is over, ^{results} ~~after~~ the interview, ~~results~~ should not be published. If the applicant is selected, he should not be given the order of appointment until further orders in this OA. Post the OA on 2.11.1993.

all candidates after
P. J. 22
(P.T. THIRUVENGADAM)
MEMBER (ADMN.)

Neeladri
(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 20th September, 1993.
Open Court dictation.

8-2-1993
Deputy Registrar

note/s.
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 20 - 9 - 1993.

ORDER/JUDGMENT:

M.A./R.A./C.A. No.

in

O.A. No.

1128/93 ✓

T.A. No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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