

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.172 of 1996  
Original Application No.173 of 1996  
and  
Original Application No.44 of 1997

Date of decision: This the 21st day of April 1998

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

O.A.No.172/96

Shri Ch. Ibopishak Singh  
Divisional Accountant,  
Project Stores Division, IFC&D,  
Imphal, Manipur.

.....Applicant

By Advocate Dr N.K. Singh.

- versus -

1. The Union of India, represented by  
The Controller and Auditor General,  
Government of India, New Delhi.
2. The Accountant General (A&E),  
Manipur, Meghalaya, etc., Shillong.
3. The Chief Engineer, I&FC Department,  
Manipur, Imphal.
4. The Executive Engineer,  
Loktak Down Stream Civil Division,  
(Elect), Imphal, Manipur.

.....Respondents

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

O.A.No.173/96

Shri R.K. Sanajaoba Singh  
Divisional Accountant,  
Loktak Down Stream Civil Division,  
Electricity Department,  
Manipur, Imphal.

.....Applicant

By Advocate Dr N.K. Singh.

- versus -

1. The Union of India, represented by  
The Controller & Auditor General,  
Government of India, New Delhi.
2. The Accountant General (A&E)  
Manipur, Meghalaya etc., Shillong.
3. The Chief Engineer, I & FC Department,  
Manipur, Imphal.
4. The Executive Engineer,  
Loktak Down Stream Civil Division,  
(Elect), Imphal, Manipur.

.....Respondents

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

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O.A.No.44/97

Shri Shasi Bhusan Sharma  
Divisional Accountant,  
Office of the Executive Engineer,  
Ukhrul Electrical Division,  
Ukhrul, Manipur.

.....Applicant

By Advocate Dr N.K. Singh.

- versus -

1. The Union of India, represented by  
The Controller & Auditor General,  
Government of India, New Delhi.
2. The Accountant General (A&E),  
Manipur, Meghalaya etc., Shillong.
3. The Chief Engineer, Power,  
Government of Manipur, Imphal.
4. The Executive Engineer,  
Ukhrul Electrical Division,  
Ukhrul, Manipur.

.....Respondents

By Advocate Mr S. Ali, Sr. C.G.S.C.

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O R D E R

BARUAH.J. (V.C.)

All the three above cases involve common questions of law and facts. Therefore, we propose to dispose of all the three applications by this common order.

2. At the material time the applicants were working as Emergency (Unqualified) Junior Grade Divisional Accountant, on deputation, in Manipur under the administrative control of the Office of the Accountant General (Acctt), Meghalaya etc., Shillong. In the year 1987 all the applicants became eligible for sitting in the departmental examination for absorption as Divisional Accountant in the department in which they had been on deputation. The applicants failed to avail of the six chances they were entitled to. Thereafter, they

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approached this Tribunal by filing original application No.258/93 (Ch.I. Singh -v- Union of India and others), original application No.1/92 (R.K.S. Singh -v- Union of India and others) and original application No.212/91 (S.B. Sharma -v- Union of India and others). This Tribunal disposed of original application Nos.1/92 and 212/91 by a common order dated 8.6.1993 giving direction to the respondents to allow six more chances to the applicants on the ground that the applicants had not been informed about the availability of chances. Original Application No.258/91 filed by Ch.I. Singh was also disposed of in a similar way by this Tribunal by order dated 10.12.1993.

3. Pursuant to the orders passed by this Tribunal, the respondents allowed the applicants to avail six chances. The respondents also filed a review application in O.A.No.258/93 and it was reviewed by this Tribunal by order dated 1.3.1994 in R.A.No.11/94. In that review order, the number of chances were reduced to three. Pursuant to that the applicants appeared in the three chances. However, they could not come out successful. Hence the present applications.

4. We have heard, Dr. N.K. Singh, learned counsel for the applicants, Mr. S. Ali, learned Sr. C.G.S.C. in O.A.No.44/97 and Mr. A.K. Choudhury, learned Addl. C.G.S.C. in O.A.Nos.172/96 and 173/96. Dr Singh submits that in spite of their best effort the applicants could not come out successful. Dr Singh further submits that there is a provision of giving additional chances, which, however, the respondents did not consider. Mr Ali and Mr Choudhury, on the other hand, submit that the respondents had given the applicants enough opportunity.....

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opportunity and in spite of that they failed to come out successful and no further chances should be given to them. As per rule there is a provision to give additional chances. However, it is for the authority to consider that aspect of the matter. We feel that for the ends of justice the respondents should consider whether one more chance can be given under the present facts and circumstances of the case as well as per the provisions in the rules which provide for additional chances.

5. In view of the above we dispose of the applications with direction to the respondents to consider the case of the applicants and if in the light of the provisions contained in the rules, in the opinion of the respondents one more chance can be given to the applicants to appear in the departmental examination such chance shall be given to the applicants. The respondents shall decide it as early as possible at any rate within a period of two months from the date of receipt of this order.

6. With the above observation all the three applications are accordingly disposed of. However, considering the facts and circumstances of the cases we make no order as to costs.

Sd/VICECHAIRMAN

Sd/MEMBER (A)

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