

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORDERS OF THE BENCH**

**Date of Order: 24.10.2011**

**OA No. 488/2011**

Mr. Abhishek Sharma, counsel for applicant.

Heard. The O.A. is dismissed by a separate order on the separate sheets for the reasons recorded therein.

*Anil Kumar*  
(ANIL KUMAR)

MEMBER (A)

*K. S. Rathore*  
(JUSTICE K.S. RATHORE)  
MEMBER (J)

Kumawat

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 488/2011

**DATE OF ORDER:** 24.10.2011

**CORAM**

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Lala Ram Yadav S/o Shri Chhitar Mal Yadav, aged about 33 years, permanent resident of Village Sewapura, Post Kadera, Tehsil Chaksu, District Jaipur – present local address is D-112-C, Lal Kothi Marg, Siwar Area, Bapu Nagar, Jaipur.

...Applicant  
Mr. Abhishek Sharma, counsel for applicant.

**VERSUS**

1. Union of India through Secretary, DOP&T Department, New Delhi.
2. Union Public Service Commission through its Secretary, Dholpur House, Shahjahan Road, New Delhi – 110069.
3. The Controller of Examination, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi – 110069.
4. The Joint Director and CPIO, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi – 110069.

...Respondents

**ORDER (ORAL)**

The present Original Application is directed against the letter/communication dated 23.09.2011 (Annex. A/1).

2. The brief facts of the case are that in pursuance to the advertisement dated 19.02.2011 (Annex. A/10) the applicant applied for and appeared in Indian Civil Services (Preliminary) Examination, 2011. The applicant has been declared fail in the said examination; thus, he is not being permitted to appear in the ICS (Mains) Examination, 2011, which is scheduled to be held from 29.10.2011. The applicant has sought certain information under RTI Act 2005 vide his application dated 25<sup>th</sup> August, 2011 regarding marks obtained by him in Paper-I and Paper-II, the cut-

off marks of OBC category in both papers, copies of OMR sheets and answer keys in respect of Civil Services (Preliminary) Examination 2011. The respondent-department has issued a letter / communication dated 23.09.2011 (Annex. A/1) to the applicant, by which the information as sought by him has been denied, which is under challenge in this O.A.

3. The applicant's grievance is that this being the last chance, he may be allowed provisionally to appear in the ICS (Mains) Examination, 2011, which is scheduled to be held from 29.10.2011.

4. We have gone through the letter/communication dated 23.09.2011 (Annex. A/1). The respondents vide Annexure A/1 letter/communication dated 23.09.2011 have informed the applicant that the said information sought by him under RTI Act 2005 cannot be provided since the process of Civil Services Examination, 2011 is not yet complete and Section 8 (1) (i) of the RTI Act, 2005 is invoked, and as such the information has not been furnished to the applicant. However, the applicant was given liberty to file appeal, if any, against the said reply before the appellate authority within a period of 30 days of the receipt of the said letter. It is not disputed that the applicant has preferred the appeal against the said letter dated 23.09.2011 (Annex. A/1) and the same is still pending consideration with the competent authority.

5. Having considered the submissions made on behalf of the applicant, we are of the view that the present O.A. is premature and we are not inclined to interfere in the matter at this stage since the appeal against the impugned letter dated 23.09.2011 (Annex. A/1) is still pending consideration with the appellate



authority, and thus the O.A. deserves to be dismissed as being premature.

6. Accordingly, the Original Application is dismissed as being premature. However, the applicant is given liberty to file substantive Original Application after the decision is taken by the appellate authority on the appeal, and if any prejudicial order is passed by the competent authority. There shall be no order as to costs.

Anil Kumar  
(ANIL KUMAR)  
MEMBER (A)

K. S. Rathore  
(JUSTICE K.S. RATHORE)  
MEMBER (J)

kumawat