

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 582/2018

Reserved on: 2.02.2018
Pronounced on: 13.03.2018

**Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Vivek
S/o Shri Mahak Singh
Group C, Subject Appointment
R/o Villpost – Bijrol, Teh – Baraut
Baghpat, U.P. 250611 ... Applicant

(Through Shri Nitin Kumar Gupta, Advocate)

Versus

1. Staff Selection Commission,
Through its Chairman
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-110003
2. Regional Director, NR
Staff Selection Commission,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-110003

(Through Shri Gyanendra Singh, Advocate)

ORDER

Mrs. Jasmine Ahmed, Member (J)

The applicant appeared in the Combined Graduate Level Examination 2012. He has challenged result lists dated

8.02.2013 and 30.05.2013 whereby the respondents have placed his name in the list of withheld candidates.

2. At the very outset, learned counsel for the applicant stated that the issue in hand is completely covered by the judgment passed by the Hon'ble High Court of Delhi on 6.12.2017 in W.P. (C) 10824/2017, **Amit Chhikara Vs. Union of India and ors.** The judgment passed by the Hon'ble High Court in **Amit Chhikara** (supra) is based on the judgment passed by the Hon'ble Apex Court in **Staff Selection Commission, Thr. Its Chairman and anr. Vs. Sudesh**, Civil Appeal (Nos.)2836-2838/2017. The learned counsel for the applicant thus prays that result lists dated 8.02.2013 and 30.05.2013 be set aside being illegal and against the principles of natural justice.

3. Learned counsel for the respondents stated that the applicant has come before this Tribunal at a belated stage as the result lists sought to be declared illegal relate to the year 2013.

4. It is, however, noticed that in the case of **Amit Chhikara** (supra) before the Hon'ble High Court, the Show Cause Notice was dated 14.06.2013 but the Hon'ble High Court disposed of the Writ in the light of the judgment of the Hon'ble Apex Court in **Sudesh** (supra). Relying on the judgment of the Hon'ble Apex Court in **Sudesh** (supra) followed by the Hon'ble High Court in **Amit Chhikara** (supra),

this Tribunal disposed of OA 4462/2017, **Yashpal Gahlawat** Vs. **Staff Selection Commission** directing the respondents to grant the same benefit to the applicant therein as granted in **Sudesh** (supra).

5. Accordingly, following the judgment of the Hon'ble Apex Court in **Sudesh** (supra) as followed by the Hon'ble High Court in **Amit Chhikara** (supra) and the Tribunal in **Yashpal Gahlawat** (supra), the result lists dated 8.02.2013 and 30.05.2013 are declared illegal qua the applicant and the respondents are directed to grant the applicant herein the same benefit as has been granted in the case of **Sudesh** (supra), within a period of two months from the date of receipt of a certified copy of this order, if the facts and circumstances are similar and also the applicant found otherwise fit. The OA is disposed of.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)

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