

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A.No.100/2818/2013

Friday, this the 12<sup>th</sup> day of August 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Chandra Shekhar Sharma (Aged about 40 years)  
S/o Dr. K.L. Sharma  
Presently Employed as Superintendent  
Official Language Wing  
Legislative Department, Ministry of Law & Justice  
Govt. of India, New Delhi  
R/o 233-C, Miawali Colony, Gurgaon  
Haryana.

.Applicant

(Mr. S. K. Mishra, Advocate)

Versus

1. Union Public Service Commissioner  
Through Secretary  
UPSC, Dholpur House  
Shahjahan Road, New Delhi-110069.
2. Union of India Through  
Secretary,  
Ministry of Law & Justice  
Legislative Department  
4<sup>th</sup> Floor, Shastri Bhavan, New Delhi-110001.
3. Ex. Sgt. Devender Prasad Maithani  
Assistant Law Officer  
Food Corporation of India  
Trivendrum.

....Respondents

(Mr. Rajender Nischal, Advocate)

## **O R D E R (ORAL)**

### **Justice Permod Kohli:**

In response to an Advertisement No.06/2013 published in the Employment News of 11 – 17 May 2013, inviting applications for the post of Deputy Legislative Counsel (Hindi) in the Official Language Wing,

Legislative Department, Ministry of Law and Justice, the applicant submitted his application. He claims to be duly qualified and eligible for the post. The respondents adopted short-listing criteria on the basis of merit in the desirable qualification. The applicant could not make through the short-listing criteria adopted by the respondents and thus was not called for the interview. Admittedly, the selection is through the mode of interview, as prescribed under the Rules. It was, under these circumstances the applicant approached this Tribunal through the medium of this O.A., calling in question the short-listing criteria, though not clearly delineated in the relief part. However, learned counsel for the applicant submits that the applicant is aggrieved of the short-listing. The relief reads thus:-

“iii) to call for records and examine the circumstances under which the applicant has not been called for interview and in case it is established beyond doubt that the applicant has been denied the opportunity of interview in an illegal, uncalled, arbitrary and unwarranted manner, the entire selection process be quashed and either the first respondent be directed to prepare a fresh list of short listed candidates for interview or the post be re-advertised.

iv) to grant such other and further relief as warranted by the circumstances of this case and deemed proper in the interest of justice.”

2. Vide interlocutory Order dated 22.08.2013, the respondents were directed to interview the applicant for the post in question on 23.08.2013 provisionally subject to the outcome of the O.A. Consequent upon the aforesaid directions, the applicant was interviewed by the respondents. However, as a matter of fact, no relief is claimed in respect to the short-listing criteria.

3. Be that as it may, under the interim directions issued by this Tribunal on 22.08.2013, the applicant has been interviewed. However, in the

subsequent Order dated 30.05.2016, it has been observed that if the arguments from the applicant's side were not completed by the next day, the interim order would stand vacated and the case would be decided *ex parte*. Admittedly, the arguments could not be completed by the time stipulated in the aforesaid Order. The matter has been posted for today.

4. Mr. Rajinder Nischal, learned counsel for respondents has informed the Court that there was no interim direction for keeping the result in abeyance and in view of the observations made by the Tribunal in the Order dated 30.05.2016, the respondents have compiled the results of the candidates, who participated in the selection including the applicant. The applicant has failed to find berth in the select list. He does not fall within the select list prepared by the respondents on the basis of performance in the interview.

4. In this view of the matter, this O.A. is rendered infructuous. However, at this stage, learned counsel for the applicant submits that he may be granted liberty to challenge the selection. Needless to say that no leave is required for this purpose, as it is a fresh cause of action and the applicant is at liberty to seek remedy available under law. We make it clear that the present Order is not on merits of the controversy. No costs.

**( K.N. Shrivastava )**  
**Member (A)**

**( Justice Permod Kohli )**  
**Chairman**

**August 12, 2016**  
**/sunil/**