

**Central Administrative Tribunal
Principal Bench**

OA No.3587/2014

**Order reserved on :03.08.2017
Order pronounced on :10.08.2017**

**Hon'ble Mr. Raj Vir Sharma, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Manoj Verma, Aged about 25 years,
Working as Inspector (Central Excise),
S/o Shri Naresh Kumar Verma,
R/o H.No.75, Type-II, MDU Campus,
Rohtak, Haryana.
2. Nitin Kumar, Aged about 24 years,
Working as Inspector (Central Excise),
S/o Shri Naresh Sindhu,
R/o H.No. 404, VPO Pehladpur (Banger),
Delhi-42.
3. Lokesh Kumar, Aged about 23 years,
Working as Inspector (Central Excise),
S/o Shri Ravi Parkash,
R/o Ad-64, HMT Colony, Pinjor,
Panchkula, Haryana.
4. Rahul Jain, Aged about 25 years,
Working as Inspector (Central Excise),
S/o Shri Sunil Jain,
R/o H.No.58/14 Ashok Nagar,
Gannaur, Sonepat, Haryana.
5. Kuldeep, Aged about 23 years,
Working as Inspector (Central Excise),
S/o Shri Satpal,
R/o H.No. 2294/10 Ram Gopal Colony,
Rohtak, Haryana.
6. Vijay Kumar, Aged about 28 years,
Working as Inspector (Central Excise),
S/o Shri Ishwar Singh,
R/o H.No. 9, Pkt.2,
Sector 24, Rohini, Delhi.

7. Anuj Kumar, Aged about 28 years,
Working as Inspector (Central Excise),
S/o Shri Khajan Singh,
R/o VPO Badli Jhajjar,
Haryana.
8. Mihir Sen Narwal, Aged about 28 years,
Working as Inspector (Central Excise),
S/o Shri Jaglochan,
R/o H.No.528, Old Housing Board Colony,
Sirsa, Haryana.
9. Mohit Khambra, Aged about 25 years,
Working as Inspector (Central Excise),
S/o Shri Som Parkash Khambra,
R/o H.No.534, Sector-4,
Urban State Kurukshetra,
Haryana.

...Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Union of India,
Through Secretary (Revenue),
Ministry of Finance, North Block,
New Delhi.
2. Central Board of Excise and Customs (CBEC),
Department of Revenue,
Ministry of Finance,
Govt. of India, 9th Floor,
Hudco Vishala Building,
Bhikaji Cama Place,
New Delhi-110066.
3. Department of Personnel and Training,
Ministry of Personnel,
Public Grievances and Pensions,
Govt. of India, North Block, New Delhi.
4. Staff Selection Commissioner (SSC),
Through its Chairman,
C.G.O. Complex,
New Delhi.

...Respondents

(By Advocate : Shri Subhash Gosain)

ORDER

Hon'ble Ms. Nita Chowdhury, Member (A)

The applicants were candidates for Combined Graduate Level Examination, 2012 (CGLE-2012). Staff Selection Commission (SSC) proposed to make State-wise allocation of the candidates taking into consideration the position in the merit list and option exercised by the candidates for the posts. The States/UTs for the purpose are grouped and coded as under:

Code	State/UT	Code	State/UT
A	Andhra Pradesh	O	Madhya Pradesh
B	Arunachal Pradesh	P	Manipur
C	Assam	Q	Meghalaya
D	Bihar	R	Mizoram
E	Chattisgarh	S	Nagaland
F	Delhi	T	Orissa
G	Gujarat	U	Punjab, Haryana & Chandigarh
H	Goa, Daman & Diu	V	Rajasthan
I	Himachal Pradesh	W	Tripura
J	Jammu & Kashmir	X	Tamil Nadu & Puducherry
K	Jharkhand	Y	Uttarakhand
L	Kerala & Lakshadweep	Z	Uttar Pradesh
M	Karnataka	\$	West Bengal & Sikkim
N	Maharashtra, Dadra & Nagar Haveli	#	Andaman & Nicobar

Thereafter, the Staff Selection Commission declared the results of CGLE 2012 on 30.05.2013. All the applicants were declared

selected for the post of Inspectors (Central Excise). They secured the Rank/Category and Preference/State as under:-

S.No.	Name	Rank/Category	Preference/State
1.	Manoj Verma	67/OBC	UFVG
2.	Nitin Kumar	227/gen.	FU
3.	Lokesh Kumar	276/Gen.	UF
4.	Rahul Jain	317/Gen.	FU
5.	Kuldeep	318/Gen.	UF
6.	Vijay Kumar	347/Gen.	FU
7.	Anuj Kumar	941/OBC	FUV
8.	Mihir Sen Narwal	2363/SC	UF
9.	Mohit Khambra	2886/SC	FU

Their grievance is that that despite directions from the recruiting agency i.e. SSC the allotment of Commissionerate by the recruiting departments/Respondents No.1 to 3 has not been done strictly on the basis of the Pin Codes given in permanent address of the applicants, which read as under:-

S.No.	Name	Rank/Category	Preference/PIN
1.	Manoj Verma	67/OBC	UFVG/Rohtak-124001
2.	Nitin Kumar	227/gen.	FU/Delhi-110042
3.	Lokesh Kumar	276/Gen.	UF/Panchkula-134101
4.	Rahul Jain	317/Gen.	FU/Sonipat-

			1311-1
5.	Kuldeep	318/Gen.	UF/Rohtak-124001
6.	Vijay Kumar	347/Gen.	FU/Delhi-110088
7.	Anuj Kumar	941/OBC	FUV/Jhajjar-124105
8.	Mihir Sen Narwal	2363/SC	UF/Sirsa-125055
9.	Mohit Khambra	2886/SC	FU/Kurukshtra-136118

From the above, it is clear that the respondents have allotted the Commissionerates on the basis of their own instructions, which provided that such allotment be done on the basis of merit-cum-preference. The applicants had made representations in June, 2014 (Annexure A-7 Colly) in this regard but nothing was done in their cases, therefore, they filed RTI to know the details of allocation done pursuant to CGLE 2012. The respondents provided information vide letter dated 30.07.2014. They have thus filed this O.A. seeking the following reliefs:-

“(a) To direct the respondents to allocate the zone to the applicants as per the criteria prescribed in the advertisement and letter/order No.3/1/2011-P&P-1 dated 21.02.2013.

(b) To direct the respondents to allocate Delhi Zone to applicants consequent upon their selection and appointment as Central Excise Inspector.

(c) To declare the action of the respondents in changing the criteria for allocation of Zone/Commissionerate for Inspector, Central Excise appointed on the basis of CGLE-2012 as illegal and arbitrary and direct the respondents to make allocation as

per the criteria prescribed in the advertisement and letter dated 21.02.2013.

(d) To allow the OA with costs".

(e) Any other reliefs which this Hon'ble Tribunal deems fit in the facts and circumstances of the case to meet the ends of justice."

2. The contention of the applicants is that the respondents No.1 to 3 have erred in allotment of Commissionerates as they have not followed the directions issued by the recruiting agency i.e. Respondent No.4 (SSC). The applicants have produced letter No. 3/1/2011-P&P-I dated 21.02.2013 (Annexure A-3) issued by the SSC to their Regional Directors. Para (iii) of said letter reads as under:-

"The dossiers of candidates selected for the posts of Inspector (Income Tax), Inspector (Central Excise), Tax Assistant in CBDT and Tax Assistant in CBEC may be sent centrally to the designated officer in CBEC/CBDT/CBEC/CBEC should be clearly advised that State-wise allotment already made by the Commission should be strictly followed. Candidates will be allotted to different Commissionaires within the same State on the basis of the pin codes given in permanent address of candidates."

3. According to the applicants, the respondents issued their own Instructions vide letter dated 16.09.2013 (page 97) which provided for allotment of Commissionerates on the basis of merit-cum-preference. According to them, not following the guidelines of the recruiting agency was wrong as it was the duty of respondents No. 1

to 3 to implement the directions of respondent No.4. Moreover, all the applicants except applicant No.6 are permanent residents of District Rohtak, Panchkula, Sirsa and Kurukshetra in Haryana. The applicant No.6 is a permanent resident of Delhi. They allege that applicants were allotted the Zone by changing the criteria, which reads as under:-

S.No.	Name	Zone to be allotted	Zone of allocation
1.	Manoj Verma	Delhi	Chandigarh
2.	Nitin Kumar	Delhi	Chandigarh
3.	Lokesh Kumar	Delhi	Chandigarh
4.	Rahul Jain	Haryana	Chandigarh
5.	Kuldeep	Delhi	Chandigarh
6.	Vijay Kumar	Delhi	Chandigarh
7.	Anuj Kumar	Haryana	Chandigarh
8.	Mihir Sen Narwal	Haryana	Chandigarh
9.	Mohit Khambra	Delhi	Chandigarh

4. From the above table, it is made clear that all the applicants had preferred Delhi and Haryana State and as per the criteria prescribed for allocation of Zone, the applicants were required to be given posting in the State of their choice by taking note of PIN Codes as given by them. As per the information provided by the respondents vide letter dated 30.07.2014, initially the allocation was done correctly but the same was changed later on. Applicants

further aver that even assuming for the sake of arguments if they were not getting the choice of their State, they could be shifted to nearest available state and not to different Zones as done in the present case. They state that respondents No.1 to 3 on their own clubbed the Zones without any rhyme and reason. They have thus prayed that the OA be allowed.

5. Applicants have relied upon a judgment/order given by the Hon'ble High Court of Delhi in **W.P. (C) 5048/2013 – Vishnu Kumar Gupta Vs. U.O.I. & Others** decided on 21.08.2013 to support their claim that OA should not be dismissed on the ground of limitation.

6. The respondent No.4-SSC have filed reply in which they have stated that the reliefs sought by the applicants are from respondents No. 1 to 3 and as such they were not concerned with the subject matter of this O.A. Respondents No. 1 to 3 have also filed their reply in which they have stated that for direct recruitment for the post of Inspectors, 29 vacancies were reported for Delhi and 46 for Chandigarh for CGLE, 2012. The break up of the vacancies was as under:-

State	UR	OBC	SC	ST	Total
Delhi	15	08	04	02	29
Chandigarh	22	14	07	03	46
Total :	37	22	11	05	75

This Zone has received 57 dossiers in all, vide Board's letter dated Nil in the following categories:-

Category	UR	OBC	SC	ST	Total
Received	25	18	10	04	57

Further, the Board vide their letter No. A-12034/SSC/2/2012-Ad.III(B) dated 16.09.2013 intimated that SSC had clubbed the vacancies of Delhi and Chandigarh under code preference "F" and forwarded the dossiers to CBEC for onward allocation. CBEC Board vide its letter ibid forwarded the dossier of Delhi and Chandigarh Zones with a direction to allocate the dossiers between Delhi and Chandigarh on merit-cum-preference basis. The CBEC further also directed that if the dossiers are less than the intimated vacancies, then allocation is to be done proportionately. The category-wise percentage of received dossiers was as follows:-

Category	UR	OBC	SC	ST
Received	67.50%	81.80%	90.9%	80%

Hence, this Zone made allocation of dossiers as per directions of Board's letter dated 16.09.2013 taking "U" preference as Chandigarh and "F" preference as Delhi as per SSC instructions. Accordingly, allocation was done on merit-cum-preference as under:-

DELHI							
S. No.	NAME	DOB	CAT	RANK	IST PREF	IIND PREF	State in permanent address
1	DEEPAK NARWAL	3.01.86	UR	99	F	U	Haryana
2	GAURAV SINGH	05.10.86	UR	108	F	U	Haryana
3	SANGEETA	11.10.88	UR	110	F	U	Haryana
4	RAJESH KUMAR YADAV	02.12.86	UR (OBC)	160	F		Delhi
5	MOHD WASIM	05.08.86	UR	164	F	U	Uttara Khand
6	DEEPAK	30.10.88	UR	170	F	U	Haryana
7	SUMIT KUMAR	21.10.89	UR(OBC)	189	F	U	Haryana
8	YADU BHARDWAJ	22.03.87	UR	210	F	U	Rajasthan
9	DHARMENDER	20.02.90	UR	215	F	V	Haryana
10	ASHISH CHAWLA	29.02.88	UR	224	F	U	Haryana
CHANDIGARH							
1	MANOJ VERMA	14.05.89	UR (OBC)	67	U	F	
2	PRADEEP SHEORAN	02.07.88	UR	136	U	F	
3	NAVEEN JINDAL	03.03.86	UR	187	U	F	
4	NITIN KUMAR	27.09.89	UR	227	F	U	
5	KARAN VOHRA	07.08.88	UR	247	U	F	
6	RAGHU SHARMA	15.04.89	UR	254	U	F	
7	AASHISH GUPTA	02.10.87	UR	255	F		
8	LOKESH KUMAR	28.12.90	UR	276	U	F	
9	RAHUL JAIN	27.09.89	UR	317	F	U	
10	KULDEEP	19.12.91	UR	318	U	F	

11	SHALINI DUHAN	21.11.90	UR	339	F	U	
12	LAV BISHT	11.03.88	UR	343	F	U	
13	TAMANPREET SINGH	10.12.89	UR	346	U	F	
14	VIJAY KUMAR	04.10.85	UR	347	F	U	
15	BHUVNESH GUPTA	21.12.87	UR	350	U	F	

DELHI			SC CATEGORY		
NAME	DOB	CAT	RANK	PREFERENCE	
Naveen Kumar	28.11.89	SC	1880	F	U
Neeraj Jawa	20.02.87	SC	2169	F	U
Raman KMorwal	06.02.86	SC	2471	F	
Arun Kumar		SC	2074	F	
CHANDIGARH					
NAME	DOB	CAT	RANK	PREFERENCE	
Mihir Sen Narwal	27.06.86	SC	2363	U	F
Vikas	05.02.88	SC	2710	U	F
Vishal Kumar	08.12.87	SC	2383	F	U
Mukul Saroha	04.01.88	SC	2854	F	U
Mohit Khambra	30.08.89	SC	2866	F	U
Pradeep Kumar	05.06.89	SC	2808	F	

DELHI			SC CATEGORY		
NAME	DOB	CAT	RANK	PREFERENCE	
Manish Kumar Meena	03.11.88	ST	3322	F	U
Kuldeep Meena	01.04.89	ST	3460	F	U

CHANDIGARH					
Rajani Meena	05.10.86	ST	3464	F	U
Avdesh Meena	09.01.85	ST	3493	F	U

7. The Respondents further submitted that they took into consideration the option given by the applicants and, therefore, there is no flaw in allocating the Zones on the basis of their preference and merit. The first preference of applicants No.1, 3 and 5 was "U" in UR category, hence allotted Chandigarh Zone and applicants No.2, 4 & 6 were allotted Chandigarh Zone as their rank was below the rank of last candidate (Shri Ashish Chawal rank No.224) allotted Delhi Zone. Applicant No.7, who is an OBC candidate, was allotted Chandigarh Zone as he was below Shri Maazzam Ahmad (729 OBC), the last candidate allotted Delhi Zone in OBC category. Applicants No.8 & 9 were below Arun Kumar (2074/SC) in SC category so they were allotted Delhi Zone. They have thus submitted that there is nothing wrong in allocating the Zones to the applicants and the OA deserves to be dismissed.

8. The respondents also submitted that the same very issue was decided by this Tribunal in **OA No. 3299/2014** titled as ***Shri Aashish Gupta Vs. Central Board of Excise and Customs & Others*** decided on 24.08.2015. They have thus prayed that the instant OA be dismissed.

9. We have heard the learned counsel for the parties and gone through the pleadings including the judgment relied upon by the respondents.

10. One of the important instructions issued to the candidates for CGLE-2012 is as under:-

STAFF SELECTION COMMISSION

Date of Exam : 01.07.2012
&
08.07.2012

Closing Date : 20.04.2012

NOTICE

COMBINED GRADUATE LEVEL EXAMINATION, 2012

IMPORTANT INSTRUCTIONS TO CANDIDATES

1.	<p>Commission will be holding Combined Graduate Level Examination, 2012 for recruitment to different posts for which Graduation from a recognized University is the minimum Educational Qualification. The Examination will comprise of two Tiers of Written Objective Type examination followed by Computer Proficiency Test/Interview/Skill test, wherever applicable as per the Scheme of Examination. Posts have been placed in two groups, inter-alia based on their Grade Pay and papers in Tier II examination/Interview. Preference for Posts, is to be indicated in the application. Candidates are requested to note that preference for Posts once exercised will be final. Request for change of preference will not be considered under any circumstance. For the post of Assistant in CSS, candidate shall have not more than three attempts unless covered by any of the exceptions notified by Government of India.</p>
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11. We have asked the respondents to produce the result/dossiers of CGLE-2012 and indicate the position of the applicants in the said dossiers, which read as under:-

S. NO.	NAME	DOB	CAT.	Sel. Cat.	RANK (SL/I/)	PREFERENCE		
1	MANOJ VERMA	14.05.1989	OBC (OBC Qualif ied as UR	9	67	U	F	V
13	NITIN KUMAR	27.09.1989	UR	9	227	F	U	Y
17	LOKESH KUMAR	28.12.1990	UR	9	276	U	F	I
19	KULDEEP	19.12.1991	UR	9	318	U	F	H
23	VIJAY KUMAR	04.10.1985	UR	9	347	F	U	Y
40	MIHIR SEN NARWAL	27.06.1986	SC	1	2363	U	F	V
46	MOHIT KHAMBRA	30.08.1989	SC	1	2866	F	U	

12. The order relied upon by the applicants in **Vishnu Kumar Gupta** (supra) case is not of any help to the applicants as it was an order whereby Hon'ble High Court directed that the instant OA would not have been dismissed on the ground of limitation. Thus, this order is not of any help to the applicants as we have not passed any similar orders on the grounds of limitation.

13. A similar matter has been considered in CAT, Principal Bench, New Delhi in the case of **Aashis Gupta** (supra) in the order

pronounced on 24.08.2015, wherein it has been clearly laid down as follows:-

“In our opinion, it is now well settled position that allocation of zones has to be done strictly on the basis of merit-cum-preference. From the pleadings of the rival parties, it is evident that this method has been followed by the respondents in allocating the zones. The applicant’s contention that the zone allocation should have been on the basis of Pin Codes as advised by SSC, in our opinion cannot be accepted. In fact, we consider this direction of SSC to be wholly unnecessary. The allocation of zone is done by the appointing Ministry/Department and there was no need for SSC to advise the department to adhere to allocation on the basis of Pin Code. From the material placed on record, it is also clear that the respondents have not interfered with the States allocated by the SSC. In this case, SSC had clubbed the vacancies of Delhi and Chandigarh under Code preference “F” and had forwarded all the dossiers to Delhi Zone. The respondents No. 1 to 3 have thereafter followed the system of allocating zones on the basis of merit-cum-preference. Thus, we notice that all the 10 candidates allocated to Delhi had given first preference as “F”, which stands for Delhi. Some of them had given their second preference as “U”, which stands for Punjab, Haryana and Chandigarh. We also notice that all the candidates allocated to Delhi have ranked higher than the applicant. Thus, there has been no violation of the principle of zone allocation on the basis of merit-cum-preference. We, therefore, find no infirmity in the action of respondents No. 1 to 3”.

In this OA besides change in the parties listed as applicants, the entire controversy is the same. And as becomes clear from the consideration in para 12 above, the position of the applicants has been deduced from the details of the result of CGLE-2012 and the position of the applicants has been recorded above. From the same, it becomes clear that respondents No.1 to 3 have followed the laid down principle of allotting Zones on the basis of merit-cum-preference. We do not find any violation of the principles laid down in this regard. Hence, once it is found that there is no anomaly in

the actions of the respondents No.1 to 3 in allotting the Zones on the basis of merit-cum-preference, there is no ground to accept this OA and it is accordingly dismissed. No costs.

(Nita Chowdhury)
Member (A)

(Raj Vir Sharma)
Member (J)

Rakesh