

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.2882/2017
M.A.No.3030/2017
M.A.No.3031/2017

Thursday, this the 24th day of August 2017

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

1. Manoj Meena
Aged 26 years
s/o Mr. Ram Meena
r/o C-4, Meena Colony
Near Malviya Nagar
Alwar, Rajasthan
(Prasar Bharti (Group-B))
2. Dharavath Renuka
Aged 25 years
w/o Sidda Rama Krishna
r/o Flat No.501, Rohit Avenue
Vijayapuri Colony, Opposite
Mahankali Temple Taranaka
Hyderabad – 500017
(Prasar Bharti (Group-B))
3. Shweta gupta
Aged about 28 years
w/o Gopal Jee
r/o Prabhat Medical Store
Sabji Mandi, Ward No.1
Ambedkar Nagar, Saiyadraja
District Chandauli, UP 232110
(Prasar Bharti (Group-B))

..Applicants

(Mr. Anuj Chauhan, Advocate)

Versus

1. Prasar Bharati
Through CEO
Mandi House, New Delhi
2. Staff Selection Commission
Through Secretary
Block 12, CGO Complex
Lodhi Road, New Delhi

..Respondents

ORDER (ORAL)

Justice Permod Kohli:

This O.A. has been filed challenging the recruitment for the posts of Engineering Assistant and Technician in Prasar Bharati Examination-2013. Admittedly, the final result was declared on 21.05.2014 and recruitment was made on that basis. The applicants participated in the said Examination and were selected for the post of Technician. This O.A. has been filed challenging the selection and the result for the aforesaid post on 21.07.2017. The applicants have also preferred an Application for condonation of delay, which is said to be of 786 days. In the column of 'details of the remedies exhausted', it is stated that the applicants have protested the action of respondent No.1 through a verbal representation. Admittedly, the applicants never raised any objection about the allocation of cadre of Technician to them on the basis of selection till the date of filing of this O.A. It is, however, not disputed that some of the candidates in the said Examination had approached this Tribunal in O.A. Nos.2061 & 2785 of 2014, and this Tribunal had issued directions in their favour vide order dated 03.11.2015. It seems that the said judgment has prompted the applicants herein to approach this Tribunal but even this judgment should not help the applicants, as they have approached this Tribunal almost after four years. They were fence-sitters and never exercised their right, if any.

2. In the condonation Application, all the three applicants have given a common ground of financial constraints for not approaching this Tribunal within the reasonable period. Applicant No.1 has mentioned that his mother was suffering from medical problems and being the only person, he

was bearing the family expenses and thus could not approach the Tribunal because of the financial constraints and now he has a financial support of his brother to look after the family affairs. In respect of applicant No.2, it is stated that she belongs to a very conservative family and was in love relationship with Sh. Sidda for the last three years. The said applicant was leaving separately away from her family, as the family had refused to accept the boy with whom she fell in love and, therefore, she was left at vagaries by the family members. It is stated that recently on 07.06.2017 she got married to said Sidda and soon after her husband got a job, she has improved little bit from financial constraints and hence she has approached this Tribunal. Similarly, applicant No.3 has mentioned that her father expired in the year 2011 and since then she had been taking care of the family and bearing all the financial expenses of the family. She got married on 06.02.2017 and because of the financial support of her husband, she has approached this Tribunal.

3. We are not impressed by the theory of financial constraints propounded by the applicants. The circumstances narrated in the condonation Application do not inspire any confidence. There has been a long delay of about four years from the date the Examination was held and three years when the result was declared. The explanation cannot be said to be satisfactory under any circumstances. Apart from that, the relief sought in the present O.A. is prone to disturb the entire selection. Some of the appointees might have earned promotions as well. At this stage, after 4 years, it is not prudent to interfere in the matter of selection. Learned counsel for applicants submits that on account of parity, the condonation Application may be allowed. We are afraid that the parity can be a ground

for allowing the inordinate delay in approaching the Tribunal. In the present case, we find that not a single representation has been made, as also no details have been given with regard to dates, particulars, time and person to whom the so-called oral representations had been addressed. The applicants were negligent in pursuing the remedies.

4. The Hon'ble Supreme Court in the case **State of Uttar Pradesh & others v. Arvind Kumar Srivastava & others** [Civil Appeal No.9849/2014 (arising out of SLP (C) No.18639/2012)] decided on 17.10.2014 has held that fence-sitters are not entitled to the benefit of any judgment, particularly when the judgment is not in *rem*.

5. In this view of the matter, we do not find any merit in the condonation Application. It is accordingly dismissed and consequently, the O.A.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

August 24, 2017

/sunil/