

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

M.A.NO.4238 OF 2017
(In OA 3094/17)

New Delhi, this the 6th day of February, 2018

CORAM:

HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER

AND

HON'BLE MS.NITA CHOWDHURY, ADMINISTRATIVE MEMBER

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Staff Selection Commission,
Through its Chairman,
Northern Region,
Block No.12, CGO Complex,
Lodhi Road, New Delhi 110003 (Respondent in OA 3094/17)....Petitioner

(By Advocate: Mr.Ranjan Tyagi)

Vs.

Vikas,
s/o Sh.Ajeet Singh,
R/o Vill.Dabra, Post-Maycha,
Dist.Gautam Budh Nagar,
Greater Noida, UP-201310 (Applicant in OA 3094/17)Opp.Party

(By Advocate: Mr.Ajesh Luthra)

ORDER

Per RAJ VIR SHARMA, MEMBER(J):

The applicant (opposite party in MA No.4238/1) filed OA No.3094/17 on 5.9.2017 praying for quashing of reports of medical examination and of review medical examination (Annexure A/1 and Annexure A/2) submitted by Medical Board and Review Medical Board constituted by the Staff Selection Commission (respondent in OA No.3094/17 and applicant in MA No.4238/17) declaring the applicant as

‘Unfit’ for selection and recruitment to the post of SI in Delhi Police, CAPFs and ASI in CISF, pursuant to the employment notice dated 9.1.2016 (Annexure A/3) issued by the Staff Selection Commission.

2. OA No.3094/17 was placed before the Tribunal for preliminary hearing on the questions of admission and of interim relief on 7.9.2017 when the Tribunal, vide order dated 7.9.2017, directed issuance of notice to the respondent both on the questions of admission and of interim relief, and posted the matter to 21.9.2017 for hearing on interim relief, with the further direction that ‘In the meanwhile, one post be kept vacant till the next date of hearing’. Thereafter, the matter was listed on 21.9.2017 when the learned counsel appearing for the respondent-SSC sought for four weeks time to file counter reply, and the Tribunal adjourned the matter to 14.11.2017 and directed continuance of the interim order till then. The matter was again listed on 14.11.2017 when the learned counsel appearing for the respondent-SSC submitted that he would be filing counter reply in course of that day, and, accordingly, the Tribunal adjourned the matter to 8.1.2018 and directed the interim order to continue till then. It transpires from record that instead of filing a counter reply on 14.11.2017, the respondent-SSC filed MA No.4238 of 2017 purportedly under Rule 24 of the CAT (Procedure) Rules, 1987 seeking a direction to the applicant to implead (1) Inspector General (Pers), Directorate General, CISF (Recruitment Branch), New Delhi, and (2) Secretary, Ministry of Home Affairs, North Block, New Delhi, as party-respondents in OA No.3094 of 2017. On 8.1.2018, the Registry listed OA

No.3094/17 along with MA No.4238 of 2017 filed by the respondent-SSC.

On 8.1.2018, the Tribunal posted both the said OA and MA to 1.2.2018 and directed the interim order to continue till then. On 1.2.2018 we heard Mr. Ranjan Tyagi, learned counsel appearing for the respondent-petitioner and Mr. Ajesh Luthra, learned counsel appearing for the applicant-opposite party on MA No.4238/17.

3. It was submitted by Mr. Ranjan Tyagi, learned counsel appearing for the respondent-petitioner that both the Inspector General (Pers), Directorate General, CISF (Recruitment Branch), New Delhi, and (2) Secretary, Ministry of Home Affairs, North Block, New Delhi, are necessary and proper parties in OA because the medical officers on the Medical Board and Review Medical Board function under them and, therefore, the Tribunal should pass appropriate order under Rule 24 of the CAT (Procedure) Rules, 1987 directing the applicant-opposite party to implead them.

4. On the other hand, Mr. Ajesh Luthra, learned counsel appearing for the applicant-opposite party submitted that both the Inspector General (Pers), Directorate General, CISF (Recruitment Branch), New Delhi, and (2) Secretary, Ministry of Home Affairs, North Block, New Delhi, cannot be said to be necessary/proper parties in OA inasmuch as both the Medical Board and Review Medical Board were constituted by the respondent-SSC, and the said Boards acted as agencies of SSC for conducting the medical examination of the candidates including the applicant.

5. After having given our thoughtful consideration to the rival contentions, we have found no substance in the contention advanced by the respondent-petitioner.

6. Rule 24 of the CAT (Procedure) Rules, 1987, stipulates that the Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice. We are at a loss to understand as to how an application under Rule 24 (ibid) could be filed by the respondent-SSC seeking direction to the applicant to implead some other functionaries as party-respondents in the O.A. From the recitals in paragraph 2 above, it transpires that the respondent-SSC itself is attempting to abuse the process of the Tribunal by not filing counter reply and by filing MA 4238/17.

7. On the facts and in the circumstances of the case, the applicant in OA No.3094 of 2017 cannot be said to be aggrieved by any order/orders made by Inspector General (Pers), Directorate General, CISF (Recruitment Branch), New Delhi, and (2) Secretary, Ministry of Home Affairs, North Block, New Delhi. The said authorities have no role to play in the medical examination of the candidates including the applicant. Therefore, the controversy raised in OA No.3094 of 2017 can be effectively decided by the Tribunal without the presence of the said authorities.

8. With the above observations, MA No.4238 of 2017, besides being misconceived, is dismissed as being devoid of any merit. No costs.

9. In view of the fact that the interim order passed by the Tribunal on 7.9.2017 is continuing, we direct the respondent-SSC to file counter reply by 15.2.2018 and the applicant to file rejoinder reply, if any, by 26.2.2018. The O.A. shall be placed before appropriate Bench, as per roster, on 27.2.2018 for final hearing. It is hereby made clear that in the event counter reply/rejoinder reply is not filed by the stipulated date, no further time for filing of counter reply/rejoinder reply and no request by either party for adjournment of hearing shall be allowed and the O.A. shall be finally heard on 27.2.2018 and decided by the Tribunal on the basis of materials available on record and after hearing oral arguments as may be advanced by the learned counsel for the parties.

10. The Registry shall communicate copies of this order to the learned counsel for the parties in course of the day.

11. The O.A. is posted to 27.2.2018.

(NITA CHOWDHURY)
ADMINISTRATIVE MEMBER

(RAJ VIR SHARMA)
JUDICIAL MEMBER

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