

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

OA No.4480 2013

Orders reserved on : 2.11.2015

Orders pronounced on : 03.11.2015.

**HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)
HON'BLE DR. BRAHM AVTAR AGRAWAL, MEMBER (J)**

Ms. Naveen
D/o Sh. Jeet Singh
r/o D-467, Prem Nagar,
Gali No.4, Najafgarh,
New Delhi-110043.

... Applicant

(By Advocate: Shri Ajesh Luthra)

Versus

1. Govt. of N.C.T. of Delhi
through the Chief Secretary,
5th Floor, Delhi Sachivalaya, New Delhi.
2. Delhi Subordinate Services Selection Board,
Through its Chairman,
Govt. of NCT of Delhi, F-18, Karkardooma,
Institutional Area, Delhi-92.
3. Municipal Corporation of Delhi
through its Director
Local Bodies, GNCT of Delhi
Delhi Secretariat, New Delhi.

... Respondents

¶(By Advocate : Ms. Ritika Chawla)

O R D E R

MR. SHEKHAR AGARWAL, MEMBER (A) :

The applicant responded to an advertisement No.004/2009 issued by the DSSSB inviting applications for various posts of Teacher (Primary) in the Municipal Corporation of Delhi. She applied for Post Codes No.70/09 as well as 71/09. Subsequently due to change in classification of the posts, the respondents asked for additional fee of Rs.50/- to be deposited vide their notice dated 13.9.2011. According

to the applicant, she had deposited additional fee of Rs.50/- for both posts well in time. However, the respondents rejected her candidature for Post Code No.70/09 on the ground that she has not paid the additional fee. She made a representations to the respondents on 15.12.2013 by email and 16.12.2013 at DSSSB Office. However, none of the representations of the applicant were responded to. Since the examination was due to be held shortly, the applicant approached this Tribunal by filing this OA. On December 24, 2013, this Tribunal gave interim direction to the respondents to let the applicant participate in the examination provisionally. In compliance thereof, the applicant has appeared in the examination. In this OA, she has sought the following relief:-

- “(a) quash and set aside the decision (Annexure A/1) of the DSSSB rejecting the applicant’s application towards post code 70/09 and
- (b) direct the respondents to further consider the candidature of the applicant for the said post and in the event of her selection, she be issued appointment as per merit obtained in the selection process, with all consequential benefits
- (c) award costs of the proceedings and
- (d) pass any other order/direction which this Hon’ble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case.”

2. The respondents have filed their reply in which they have stated that the applicant had applied for Post Code No.70/09 bearing ID No.141049. Her candidature was, however, rejected on the ground that she had not deposited

the additional fee of Rs.50/- that was demanded by the DSSSB on account of amendment in the classification of the posts from Group 'C' to Group 'B'.

3. We have heard both sides and have perused the material on record.

4. The learned counsel for the applicant stated that the applicant had deposited additional fee of Rs.50/- for both Post Codes, i.e., 70/09 and 71/09 for which she was a candidate through postal orders on 13.10.2011. She has enclosed a photocopy of postal counter foils (page 42 of the OA). A perusal of the above reveals that she had deposited two postal orders No.58G 277240 and 58G 277241 each of Rs.50/- payable to DSSSB at Karkardooma Office on 13.10.2011. In view of the above, we are satisfied that the applicant had deposited the additional fee demanded by the respondents on time and that her candidature for Post Code No.70/09 could not have been rejected on the ground of non-payment of additional fees.

5. Learned counsel for the applicant has relied on the judgment of this Tribunal in OA No.364/2014 – **Sandeep Kumar and others vs. The Chairman/Secretary, DSSSB and another** dated 27.10.2014, a copy of which was produced before us during the course of the arguments. On perusal of the same, we find that in similar circumstances, this Tribunal had disposed of the OA with a direction to the respondents to consider the applications of the applicants

therein for the posts in question as valid and process their candidatures in accordance with the prescribed procedure. The same judgment was followed in OA No.295/2014 – ***Ms. Jyoti vs. Govt. of NCT of Delhi and others*** decided on 7.11.2014 and OA No.247/2014 – ***Parmila vs. DSSSB*** decided on 10.3.2015. Learned counsel argued that the case of the applicant herein was fully covered by these judgments and sought similar directions in this OA. Learned counsel for the respondents did not dispute that the applicant was similarly placed as applicants in the OAs relied upon by him.

6. In view of the above, we come to the conclusion that the applicant is fully covered by the judgments of this Tribunal in OA No.247/2014 (supra) and other OAs mentioned above. Accordingly, we direct the respondents to consider the application of the applicant for Post Code No.70/09 as valid and process her candidature in accordance with the prescribed procedure, if she is otherwise eligible. In case, she is selected, she shall also be entitled to consequential benefits of pay fixation and seniority. This exercise will be completed within a period of eight weeks from the receipt of certified copy of this Order.

7. The OA is disposed of accordingly. No costs.

(Dr. BRAHM AVTAR AGRAWAL)
MEMBER (J)

(SHEKHAR AGARWAL)
MEMBER (A)

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