

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 2963/2014

Reserved on 11.09.2018
Pronounced on 14.09.2018

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)**

Parmod Kumar, Age-27 years,
S/o Shri Naresh Kumar,
Roll No. 2405215751,
R/o VPO- Bankner, Narela,
Delhi-110040.

... Applicant

(By Advocate: Mr. Sachin Chauhan)

VERSUS

1. Union of India
Through its Secretary,
Govt. of India,
Ministry of Personnel, Public Grievances
& Pension,
Department of Personnel & Training,
North Block, New Delhi.

2. Staff Selection Commission,
Through the Chairman,
S.S.C, Block No. 12, CGO Complex,
Lodhi Road, New Delhi-3

3. The Regional Director (NR),
Govt. of India,
Staff Selection Commission (NR),
Department of Personnel & Training,
Ministry of Personnel, Public Grievances
& Pensions,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-3

4. The Under Secretary (EA),
Govt. of India,
Staff Selection Commission (NR),
Department of Personnel & Training,
Ministry of Personnel, Public Grievances
& Pensions,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-3. ... Respondents

(By Advocate : Mr. S.M.Arif)

ORDER**Hon'ble Mr. S.N. Terdal, Member (J):**

Heard Shri Sachin Chauhan, counsel for applicant and Mr. S.M.Arif, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In the OA, the applicant has prayed for the following reliefs:

- "(i) To quash and set aside the SCN dated 30.12.2013 annexed at A-1.
- (ii) To quash and set aside order dated 17.12.14 whereby the applicant is being debarred from appearing in any exam. Conducted by SSC for a period of 5 years

or

Any other relief which this Hon'ble Court deems fit and proper may also be awarded to the applicant."

3. The relevant facts of the case are that the applicant was a candidate of Combined Higher Secondary Level Examination, 2013 advertised by the respondent-Staff Selection Commission. He had appeared for the examination. At the time of examination, he has violated the instructions of the Commission, namely, that of not carrying anything apart from the admit card and along with several candidates, he was found using electronic gadget. With regard to the said violation of the condition by the applicant, a Show Cause Notice (SCN) was issued on 30.12.2013 giving an opportunity to the applicant to show cause why he should not be debarred from the Commission's examination. It is submitted by the applicant that he had sent reply to the SCN, a copy of which was filed by him in this OA as Annexure A-4 dated 08.01.2014. The case of the respondents is that they have not received any reply to the SCN. Subsequently on 17.02.2014 by order dated 17.02.2014, the respondents passed an order debarring the

applicant from appearing in Commission's examination. At the time of hearing, counsel for the applicant submitted that the applicant had sent reply to SCN by speed post as per the postal receipt as an Annexure A-3. But, however, he has not produced any document to show that the said reply to SCN was delivered to the respondents.

4. In view of these facts, the applicant has not established that he has filed reply to the said SCN nor he has produced any documents to demonstrate that the said reply was delivered to the respondents. Further in view of the categorical statement made by the respondents in the counter affidavit that they had not received any reply to the SCN and there being no allegation of any malafide on the part of respondents, it is not possible to disbelieve the version of the respondents. In view of these facts, there are no grounds to interfere with the impugned order dated 17.12.2014 and the OA is devoid of merit.

5. Accordingly, OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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