

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

MA 3551/2017 in
OA 3339/2017

New Delhi this the 28th day of September, 2018

POOJA
V/S
STAFF SELECTION COMMISSION

Counsel for applicant: Shri Sachin Chauhan
Counsel for respondents: Shri A.K.Singh

O R D E R (ORAL)

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

MA 3551/2017

This Miscellaneous Application (MA) has been filed seeking condonation of delay of 1205 days in filing the OA 3339/2017. In the Original Application, a Show Cause Notice (SCN) dated 27.05.2013 has been challenged. With respect to the said SCN, the applicant has submitted reply and the said reply has not been disposed of by the respondents till date. With respect to similar show cause notices cases were filed in other OAs and in the said cases litigations were taken up upto the Apex Court and the Apex Court in SLP No.9019-21/2015 in the case of **SSC Vs Sudesh** decided the said issue on 19.07.2017. Since the Hon'ble Apex Court decided the said issue on 19.07.2017 and final decision by the respondents on the said SCN is still pending and this OA has been filed on 15.09.2017, the counsel for the applicant submitted that the present OA is within limitation. He has further given the particulars of the similar OA no. 930/2014, wherein this Tribunal passed the order on 14.07.2014 and which was upheld by the Hon'ble Delhi High Court in W.P(C) No.9055/2014 vide its judgment dated 19.12.2014 and ultimately as stated above the

Hon'ble Supreme Court decided the said issue on 19.07.2017 and the applicant is seeking benefit of the law laid down by the Hon'ble Supreme Court in the above said SLP.

2. The counsel for the respondents submitted that the applicant cannot claim the benefit of the judgment referred to above of the Hon'ble Supreme Court in the case of Sudesh (supra) and in support of the same he has filed a decision taken by the department on 14.05.2018 which has been produced as Annexure R/1 alongwith the short reply filed by the respondents with respect to this MA.

3. In view of the facts and circumstances narrated above, we are of the opinion that there are sufficient grounds for condoning the delay. Accordingly, MA is allowed delay is condoned.

List OA on 12.11.2018.

(S.N.Terdal)
Member(J)

(Praveen Mahajan)
Member (A)

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