

**Central Administrative Tribunal
Principal Bench**

OA No.3619/2017

New Delhi, this the 14th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Rahul Chandra, Aged 29 years,
Sub: Recruitment/Group 'C'
S/o Shri Gyan Chandra,
R/o M-100,
First Floor Street No.8,
Hari Nagar, New Delhi-64.

...Applicant

(By Advocate : Shri U. Srivastava)

Versus

1. Union of India through the Secretary, Ministry of Personnel, Public Grievances & Pension Department of Personnel & Training, GOI, North Block, New Delhi.
2. Lal Bahdur Shastri Academy of Administration through its Officer-in-Charge, GOI, Ministry of Personnel Public Grievances & Pension (Department of Personnel & Training), Mussoorie (UK).
3. The Dy. Director (Sr) GOI, Lal Bahdur Shastri Academy of Administration, Mussoorie (UK).
4. Dev Suman, Stenographer Grade-II
5. Priyank Sharma, Stenographer Grade-II
6. Suman Rawat, Stenographer Grade-II
7. Shilpa Rawat, Stenographer Grade-II
8. Priti Rawat Bhandari, Lower Division Clerk

(The Respondents No.4 to 8, may be served notice through the respondent No.2&3 as are working in their office)

...Respondents
(By Advocates : Shri Ranjan Tyagi for R-1to3
Ms. Saumya Mandhyan for R-8).

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The Lal Bahadur Shastri National Academy of Administration, 2nd respondent herein, issued Notification dated 13.08.2013, inviting applications from the candidates to fill four vacancies of Stenographer Grade-II and eight vacancies of LDCs. It appears that there was a ban operating against appointments at the relevant point of time and the competent authority relaxed the ban to that extent, through order dated 11.07.2013. Several candidates, including the applicant responded to the Notification. The respondents No.4to7 were appointed as Stenographer Grade-II and respondent No.8 and seven others were appointed as LDCs.

2. The applicant submitted a representation alleging that several irregularities have been taken place in the appointment of the Stenographers and LDCs and even candidates who did not possess the qualifications were

appointed. When the representation of the applicant was pending, 2nd respondent ordered inquiry. The report submitted after the Inquiry revealed that several persons, including respondents No.4to8 were appointed though they did not possess the prescribed qualifications. On the basis of report, the notices were issued to such candidates on 10.09.2015, withdrawing the orders of appointment. The applicant contends that though he made a detailed representation pointing out several irregularities, the same was not considered and no action has been taken thereon.

3. The respondent No.2 filed counter affidavit narrating the various steps that have been taken on the basis of the allegations, as to the irregularities, in the appointment of Stenographers Grade-II and LDCs.

4. We heard Shri U. Srivastava, learned counsel for applicant and Shri Ranjan Tyagi, learned counsel for official respondents No.1to3 and Ms. Saumya Mandhyan, learned counsel for private respondent No.8.

5. The process for appointing four Stenographers Grade-II and eight LDCs was commenced with the

issuance of Notification dated 13.08.2013. The selection procedure contemplated conducting of stenography test for the appointment to the post of Stenographer Grade-II. The applicant stated that the persons who did not possess the basic qualifications or who did not clear the test were appointed. Apart from the complaint made by the applicant, it appears that there were allegations from other quarters. Taking note of the same, the respondent No.2 ordered inquiry and the inquiry report revealed that irregularities did take place. Individual notices were issued to the respondents No.4to8, pointing out the basis for withdrawing their orders of appointment.

6. Though no specific reply was given to the applicant, action, in fact, was taken on the allegations made by him. In the counter affidavit filed by the respondents, it is stated that the representation made by the applicant was disposed of vide order dated 02.11.2017.

7. Certain developments that have taken place subsequent to the issuance of notices or order of withdrawal of appointment render the further steps in this OA a bit difficult. The 8th respondent filed OA No.323/2017 before the Allahabad Bench of this

Tribunal. Through an order dated 18.05.2017, the Tribunal allowed the OA and directed that the service of the 8th respondent shall be treated as a probationer till she qualifies any test that shall be held for this purpose. Similar orders are said to have been passed in other such OAs. In that view of the matter, no relief can be granted to the applicant at this stage once his representation has already been disposed of by the respondents. It is for the applicant to pursue his remedies, available to him, in accordance with law. The OA is, accordingly, disposed of.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(L. Narasimha Reddy)
Chairman

'rk'