

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.2969/2018

Orders reserved on : 08.08.2018

Orders pronounced on : 10.08.2018

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

Suman (working as TGT Social Science, Group 'B')
Aged about 39 years,
W/o Vijay Kumar,
R/o D-54, New Multan Nagar,
Delhi-110056.

....Applicant
(By Advocate : Ms. Eshita Baruah for Mr. Gaurav Kanth)

VERSUS

Delhi Subordinate Services Selection Board,
Through Chairman,
FC-18, Institutional Area,
Karkadooma, Delhi- 110092.

.....Respondents

ORDER

Ms. Nita Chowdhury, Member (A):

Heard.

2. In the instant OA, the applicant sought the following reliefs:-

- “(a) Direct the Respondent to issue the appointment letter to the Applicant immediately for the post of PGT History (Female) (Post Code 139/2012) under the OBC category.
- (b) Direct the Respondent to count the Seniority and all other service benefits of the Applicants w.e.f. 01.08.2017, the date when the persons who got less marks than the Applicant were given appointment;

(c) Pass such order or orders as the Hon'ble tribunal may please in the facts and circumstances of the case."

3. This is the second round of litigation.

4. The facts in brief are that the applicant was a candidate for the post of PGT (History) Female under Post Code 139/2012 as well as 172/14. According to her, she has secured more marks than the last selected candidate in the OBC category. However, her name does not figure in the list of successful candidates. She suspects that this happened because her candidature has been wrongly treated by the respondents under a different post code namely PGT (History) Male. She has submitted a representation to the respondents on 20.10.2014 followed by reminders dated 15.06.2015, 20.06.2015 and 05.07.2016. However, when the respondents have not yet taken any decision on the same, she has filed OA No.1795/2017 before this Tribunal sought directions to the respondents to take early decision on her representation as successful candidates were now being called for documents verification. The said OA was disposed of by this Tribunal vide Order dated 23.5.2017, *inter alia*, observed as under:-

"In view of the limited prayer made by learned counsel for the applicant, we dispose of this OA of the admission stage itself without issuing notice to the respondents and without going into the merits of this case, with a direction to them to decide the pending representation of the applicant within a period of 60 days from the date of receipt of a certified copy of this order. No costs."

4. When the respondents have not taken any decision on her representation, as directed by this Tribunal (supra), the applicant filed a Contempt Petition No.585/2017. Thereafter the respondent has passed the order dated 15.11.2017(Annexure A-3) stating therein qua the applicant as under:-

“The representation dated 05.07.16 of the candidate namely Ms Suman having Roll No.26002788 for consideration of her candidature in postcode 139/12 was examined. It has been ascertained that candidate has applied for the post of PGT (History) against the advertisement No.02/2012 vide ID No.2706714. In the available data her candidature was inadvertently mentioned in postcode 138/12 which was for the post of TGT (History) (Male). In view of the fact that Ms. Suman has applied for the post of PGT (History) and Ld. CAT order dated 23.5.2017 in OA No.1795/2017 in the matter of suman vs. GNCTD & anr., the Board has decided to consider the candidature of Ms. Suman in postcode 139/12 instead 138/12 for the post of PGT (History). Further, in view of the fact that the candidate has secured 128.75 marks in Tier-II examination, as such she is considered in zone of selection in OBC Category. Her candidature is kept pending for submission of documents to enable the board to scrutinize her candidature as per RRs for the post. An OBC vacancy has already been kept as pending on account of her representation vide result notice dated 15.03.2017.”

5. Thereafter a Notice No.639 dated 16.4.2018 (Annexure A-5) issued by the respondents which was admittedly received by the applicant, whereby the respondents asked her to upload her deficient documents/clarification for verification in the recalled e-dossier w.e.f. 18.04.2018 to 02.05.2018.

6. Keeping in view the said order dated 15.11.2017, this Tribunal dismissed, vide Order dated 17.7.2018, the said Contempt Petition with liberty to the applicant to seek appropriate remedy as per law, if any grievance still remain.

7. When the applicant could not upload her documents due to technical fault, vide letter dated 25.4.2018, she personally visited the office of the Respondent and submitted the hand copy of all the documents for verification.

8. Being aggrieved by inaction of the respondent in the matter of issuance of appointment letter in favour of the applicant, she has filed the instant OA seeking the reliefs as mentioned above.

9. By examining the facts pleaded in this OA, it becomes clear that when the applicant could not upload her documents due to technical fault, she personally submitted all the requisite documents to the respondent within the time given for uploading the same, i.e, on 25.4.2018. Having given the copies of the documents asked for by the respondents, clearly it is the duty of the respondents to process the documents and take a decision on this matter. As they have failed to do so for a considerable period of time then this OA has been filed.

10. Hence, the respondents are directed to pass a reasoned and speaking order on the documents submitted by her and take a final decision with regard to her appointment to the

post in question within a period of six weeks from the date of receipt of certified copy of this Order.

11. The present OA stands disposed of at the admission stage in terms of above directions. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

/ravi/