

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

O.A.2506/2018

Wednesday, this the 11th day of July, 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Bhola Kumar ray
s/o Sh. Janak Ray
r/o Vill & PO Damu, Via Basopatti
District Madhubani, Bihar – 847225
Aged about 27 years
(Group C)
(Candidate towards SSC GCLE Exam 2012)

..Applicant

(Mr. Ajesh Luthra, Advocate)

Versus

1. Staff Selection Commission
Through its Chairman
Block No.12, CGO Complex
Lodhi Road, New Delhi – 110 003
2. The Secretary-cum-Controller of Examination
Staff Selection Commission
Block No.12, CGO Complex
Lodhi Road, New Delhi – 110 003
3. Staff Selection Commission
Through its Regional Director, NR
Block No.12, CGO Complex
Lodhi Road, New Delhi – 110 003

..Respondents

(Mr. G S Virk, Advocate)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

Notice. Mr. G S Virk, learned counsel appears and accepts notice on behalf of respondents.

2. The applicant appeared in Combined Graduate Level Examination, 2012 conducted by the Staff Selection Commission

(SSC) - respondent No.3. It is stated that the applicant successfully cleared the examination. Respondent No.3, however, did not recommend his appointment and instead issued him impugned Annexure A-1 show cause notice dated 04.06.2013, alleging therein that the applicant had resorted to copying with other candidates. Mr. Ajesh Luthra, learned counsel for applicant submits that the applicant replied to the show cause notice in time, but no action has been taken by the respondents thereon. The applicant has also submitted Annexure A-5 representation dated 09.03.2018 to respondent No.3 for consideration of his case, but no action has been taken. Mr. Luthra further submits that in an identical case, the matter went upto Hon'ble Delhi High Court (**SSC & another v. Sudesh**) by way of W.P. (C) No. 9055/2014 filed by the respondents. The said writ petition was dismissed vide order dated 19.12.2014, in which it was held that the petitioner (SSC) had failed to provide the basis for allegation of malpractice of copying. The judgment of Hon'ble High Court was challenged by the respondents before the Hon'ble Apex Court, which was dismissed by it vide order dated 19.07.2017. Mr. Luthra further submitted that the applicant would be satisfied, at this stage, if a time bound direction is given to respondents to decide pending Annexure A-5 representation of the applicant keeping in view the judgments of Hon'ble Delhi High Court and Hon'ble Apex Court (supra).

3. Having regards to the submissions made by learned counsel for applicant and without going into the merits of the case, the O.A. is

disposed of at the admission stage itself with a direction to the respondent No.3 to decide Annexure A-5 representation of the applicant dated 09.03.2018, within a period of three months from the date of receipt of a copy of this order, by passing a reasoned and speaking order. While doing so, the respondent No.3 shall keep in mind the judgments of Hon'ble Delhi High Court and Hon'ble Apex Court in **SSC & another v. Sudesh** (supra). Needless to say that the applicant shall have the liberty to take recourse to appropriate remedy, as available to him under law, in case he remains dissatisfied with the order to be passed by respondent No.3.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

July 11, 2018
/sunil/