

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

Chandigarh, this the 27th day of November, 2017

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

(I) MA No. 060/01337/2017 in OA No.060/01045/2017

Naveen Singh son of Sh. Chand Ram,

Age 28 years, (Group-C),

Resident of village and P.O. Bhaambhewa,

Tehsil Safidon and Distt. Jind.

....APPLICANT

(Present : Mr. Jasbir Mor, Advocate)

VERSUS

1. Union of India,
Through Secretary to Govt. of India,
Staff Selection Commission,
Department of Personnel and Training, New Delhi.
2. Staff Selection Commission,
Department of Personnel and Training,
North Western Regional Office, Block C,
Kendriya Sadan, Sector 9-A, Ground Floor,
Chandigarh through its Deputy Regional Director.
3. Deputy Regional Director,
Staff Selection Commission,
Department of Personnel and Training,
North Western Regional Office, Kendriya Sadan,
Sector 9-A, Ground Floor, Chandigarh.

....RESPONDENTS**(Present : Mr. Ram Lal Gupta, Advocate)****(II) MA No. 060/01341/2017 in OA No.060/01047/2017**

Balwinder son of Ram Kishan,

Age 29 years, (Group-C),

Resident of village and P.O. Bamla-II, Near Water Works,

Tehsil and Distt. Bhiwani.

....APPLICANT**(Present : Mr. Jasbir Mor, Advocate)****VERSUS**

1. Union of India,

Through Secretary to Govt. of India,

Staff Selection Commission,

Department of Personnel and Training, New Delhi.

2. Staff Selection Commission,

Department of Personnel and Training,

North Western Regional Office, Block C,

Kendriya Sadan, Sector 9-A, Ground Floor,

Chandigarh through its Deputy Regional Director.

3. Deputy Regional Director,

Staff Selection Commission,

Department of Personnel and Training,

North Western Regional Office, Kendriya Sadan, Sector 9-A,

Ground Floor, Chandigarh.

....RESPONDENTS**(Present : Mr. Ram Lal Gupta, Advocate)**

ORDER (ORAL)**SANJEEV KAUSHIK, MEMBER (J)**

This order will dispose of above captioned two Original Applications as facts and relief claimed therein are identical and likewise requested by learned counsel for the respective parties. For convenience, facts are taken from O.A No. 060/01045/2017 **(Naveen Vs. U.O.I & Ors.)**.

2. Heard learned counsel for the parties.

3. Learned counsel for the applicant submitted that this is third round of litigation as earlier also Naveen, applicant approached this Court by filing O.A No. 060/00027/2014 whereby he challenged the order dated 07.11.2013 passed by the respondents vide which his candidature was cancelled for Combined Graduate Level Examination, 2012 and was debarred for a period of three years w.e.f. 16.09.2012 from appearing in Commission's examination. He also submitted that while allowing the O.A vide order dated 01.04.2014, this Court directed the respondents to issue fresh show cause notice and after considering the reply of the applicant in pursuance to show cause notice, the respondents will pass final order in accordance with law. Against the show cause notice dated 06.08.2014, the applicant filed reply. When the same was not decided by the respondents, the applicant again approached this Tribunal by filing O.A No. 060/01059/2014 which was decided on 31.07.2015 where this Tribunal disposed off the petition as the respondents have not taken decision upon the pending show cause notice. Therefore, directions were issued to the respondents to take final decision in the matter within a period of two weeks from the date of receipt of certified copy

of the order. He also submitted that the respondents are not deciding the matter on the ground that SLP (i.e. Civil Appeal No. 2836-2838/2017 titled **Staff Selection Commission Through Its Chairman & Anr. Appellant(s) Vs. Sudesh**) in connected matter is pending for adjudication before the Hon'ble Supreme Court. He submitted that since the Hon'ble Supreme Court has decided the appeal against the respondents vide judgment dated 19.07.2017, copy of which has also annexed as Annexure A-16 and even the RA filed by the respondents in above noted SLP has also been dismissed, he, therefore, prayed that the respondents be directed to take a final decision in the matter.

4. Learned counsel for the applicant also submitted that the applicant has also moved MA No. 060/01337/2017 for condonation of delay of 858 days but since the matter is pending with respondents for final decision, therefore, there is no delay. He submitted that the applicant has filed the present MA for the reason that the respondents may not take technical objection that he has not filed the application for condonation of delay. Since the matter is pending with them, therefore, there is no delay and the respondents be directed to take a final decision in the matter.

5. Considering this fact that respondents were already directed to decide the show cause notice dated 06.08.2014 to which the applicant has also filed reply on 21.08.2014, therefore, we deem it appropriate to dispose of both the O.As as well as MAs in limine with a direction to the respondents to take a final view on pending show cause notice by passing a reasoned and speaking order (if yet not passed) within a period of two weeks from the date of receipt of a

certified copy of this order. While deciding the issue, the respondents may also consider the judgment passed by the Hon'ble Supreme Court in above quoted case. If the order has already been passed by the respondents, the same may be communicated to both the applicants.

6. The disposal of both the O.As may not be construed as an expression on the merit of the case.

7. A copy of this order may also be placed in the other connected file.

**(P. GOPINATH)
MEMBER (A)**

**(SANJEEV KAUSHIK)
MEMBER (J)**

Dated: 27.11.2017

'jk'

