

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**M. A. No.60/1352/2017 IN
O.A. No.60/1062/2017**

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Date of decision: 25.01.2018

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

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Raja Talbir Singh, Aged 27 years son of Sh. Swaroop singh, Resident of Village Saidpur, Tehsil Kharkhoda, District Sonapat, was appointed as Sorting Assistant (Group C).

... APPLICANT

VERSUS

1. Union of India through Secretary to Govt. of India, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Superintendent, RMS, Govt. of India, Ministry of Communication, Department of Posts, Ambala-133001.

... RESPONDENTS

PRESENT: Sh. Sunil Kumar Dixit, counsel for the applicant.
Sh. Ram Lal Gupta, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

M. A. No.60/1352/2017

1. Present M.A. has been filed by the applicant for condonation of 226 days delay in filing the O.A., wherein applicant has impugned order dated 23.12.2015 whereby his candidature has been cancelled for the post of Sorting Assistant.
2. After exchange of pleadings in M.A., we have heard learned counsel for the parties.
3. Learned counsel for the applicant submitted that respondents have cancelled the candidature of the applicant vide order dated

23.12.2015 on the ground of impersonation and on the same very day the respondents have also cancelled the advertisement pursuant to which the applicant was provisionally selected. The cancellation of advertisement was challenged by those persons whose services were terminated on account of cancellation of advertisement up to the Hon'ble Supreme Court. Vide order dated 13.07.2017 the Hon'ble Supreme Court held cancellation of selection bad in law. Learned counsel appearing on behalf of the applicant contended that since now selection has been restored, therefore, he has filed present petition for invalidation of their order cancelling his candidature.

4. Learned counsel for the respondents submitted that since his candidature has been cancelled on the ground of impersonation vide order dated 23.12.2015 after getting report from CFSL, Shimla, that is before cancellation of advertisement, therefore, applicant has no right to agitate the matter now. He also submitted that order of Hon'ble Supreme Court does not help him as the respondents have already given liberty to take action against those persons who have violated the terms of the examination as having appeared in more than one centre and such violations will also be treated as malpractice. He submitted that once his candidature has been rejected way back in 2015 then this petition be dismissed having been filed in 2017 on account of delay and latches.
5. We are in agreement with the submissions made at the hands of the respondents that this O.A. deserves to be dismissed as having been filed after expiry of limitation as prescribed under Section 21 of Administrative Tribunals Act, 1985, which has already been interpreted in number of cases specifically in **Union of India v.**

M.K. Sarkar (JT 2009 (15) SC 70). When we consider facts of the present case, we find no reason to entertain this petition as candidature of the applicant was rejected on 23.12.2015 based upon report from CFSL, Shimla prior to date of cancellation of advertisement. Having failed to challenge order at the relevant time, the applicant cannot be allowed to challenge that order now.

6. Even on merit the applicant has no case, because perusal of impugned order makes it clear that his name was included in previous selection list subject to verification of documents and other conditions as noticed in advertisement. During verification of documents it transpired that signature of the applicant on OMR Sheet does not match with the signature on data entry test and typing test. Therefore, the documents were sent to CFSL, Shimla for verification of genuineness of signatures. It is after receipt of report from CFSL, that signatures on the both points are not of same person, his candidature has been cancelled. Before passing impugned order the applicant was put on notice and after having his explanation, the respondents have passed impugned order, which to our mind does not deserve any interference by the Court. Hence, M.A. as well as O.A. are dismissed.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 25.01.2018.
Place: Chandigarh.

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