

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 25.09.2018

ORIGINAL APPLICATION NO. 060/00950/2018

Chandigarh, this the 28th day of September , 2018

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

...
Ankit son of Sh. Hari Baru Ram, age 50 years, r/o VPO Gatauli,
Tehsil Julana, District Jind, Haryana 126102 – Group-C.

....APPLICANT

(By Advocate: Shri Deepak Kandu, Advocate)

VERSUS

1. Union of India through its Secretary, Ministry of Health and Family Welfare, Rooms Nos. 211-D, Nirman Bhawan, New Delhi-110011.
2. Post Graduate Institute of Medical Education and Research, Chandigarh through its Director PGIMER, Chandigarh 160012.

....RESPONDENTS

(By Advocate: Shri Arvind Moudgil)

ORDER

P. GOPINATH, MEMBER (A)

Post Graduate Institute of Medical Education and Research, Chandigarh had advertised posts in 13 categories vide advertisement no. PGI/RC/074/2018/1790 dated 2.5.2018 (Annexure A/1). The applicant had applied for the post of Hospital Attendant Grade-III (Nursing Orderly) post code HAG-III/126 in general category. He appeared in the written examination and qualified. The respondents directed the applicant to fill application form to be down loaded from the PGI website and submit with all

the required certificates duly attested by a Gazetted Officer. This was to be submitted by hand/speed post/registered post on or before 10.7.2018 upto 4.00 p.m. The applicant did not submit the above required application form. When the final list was declared applicant's name was missing.

2. Prayer of the applicant is allow him to submit his documents which he had not submitted as per prescribed date and direct the respondents to scrutinize his eligibility on the basis of documents which he will be submitting.

3. Facts of the case are admitted by the respondents. Written examination for the post was held on 23.6.2018 and result declared on 25.6.2018. The 48 candidates who qualified the written test were required to submit application form to be downloaded from the PGI Website www.pgimer.edu.in and submit the same alongwith the required certificates attested by a Gazetted Officer. On submission of these documents with the application form eligibility of those who qualified the written test was to be examined. Certain instructions were included in the result notice which include that all columns of application form are to be filled, no column should be left blank, no addition/deletion will be allowed, and all entries in the application form should be supported by relevant certificates. The date prescribed for receipt of this application was 10.7.2018 up to 4.00 p.m. It was also mentioned in the said notice that no application will be received beyond the date or time prescribed and any late application will be treated as cancelled. All persons who qualified the written

examination were also informed through the SMS regarding the last date for submission of offline application form. 45 candidates submitted the application before the stipulated last date. Applicant neither furnished the application form or the supporting certificates within the stipulated date. Thus the candidature of the applicant was not considered. Applicant submitted a representation indicating that due to fever and unconscious state he could not submit his application form. However, the respondent stuck to their last date and time for submission of application form and did not consider the late application of the applicant or any similarly placed person.

4. The respondents submit that the case of the applicant is covered by the order of Hon'ble High Court of Punjab and Haryana in CWP No. 22228 of 2017 - Dr. Jayanta Samanta vs. Director PGI, Chandigarh & Ors. decided on 3.11.2017 wherein the Writ Petition filed by the petitioner was dismissed. The High Court had held that keeping in view the settled proposition of sacrosanctity of the cut-off date, no benefit could be granted to the petitioner. The case of the applicant in that petition was a similar one wherein he had submitted the application through post, but the same was received after the due date. The applicant in the present O.A. is one who has not even submitted his application form as required in the recruitment matter.

5. We have heard the learned counsel for the parties, perused the material on record and given our thoughtful consideration to the matter.

6. Having slept over the submission of the application form within the stipulated date, the applicant is not entitled to any relief. Once the notification has been issued, sacrosanctity about the closing date and the conditions of recruitment are to be maintained. Such a matter cannot be subject to individual interpretation or discretion of the respondents. If the terms and conditions of applying for the post have been clearly stipulated, then its belated violation are neither be encouraged nor allowed as this will lead to a plethora of applications from similarly placed persons which would make the farce of the recruitment procedure and also make recruitment an endless procedure. Once a condition has been stipulated, everybody applying for the post should be measured by the same yardstick, and in this case the closing date has been prescribed. This Tribunal cannot direct the respondents to relax the rules or accommodate anyone beyond the stipulated conditions which had been intimated to the applicant.

7. In view of above discussion, the O.A. is found to be devoid of any merit and, therefore, dismissed. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 28.09.2018

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