

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.481 of 2013**

**Reserved on : 08.10.2018**

**Order pronounced on : 09.10.2018**

Between:

Koppiseti Rama Kumar, S/o. Bhaskar Rao,  
Aged about 28 years, Occ: Un Employee, 5-25,  
Guthula Vari Palem, Ketha Raju Palli Post,  
Ravula Palem Mandal, East Godavari District.

... Applicant

And

1. Union of India, rep. by its Chief Commissioner,  
Central Excise, Cadre Controlling Authority  
(Establishment Section), 5<sup>th</sup> Floor,  
Krishna Block, Custom House,  
60, Rajaji Salai, Chennai – 600 001.
2. The Regional Director (Southern Region),  
Staff Selection Commission,  
2<sup>nd</sup> Floor, EVK Sampath Building,  
DPI Campus, College Road, Chennai – 600 006.
3. The Under Secretary, Government of India,  
Staff Selection Commission,  
Department of Personnel & Training,  
Ministry of Personnel, Public Grievances & Pensions,  
Block No. 12, Kendriya Karyalay Parsisar,  
Lodhi Road, New Delhi.
4. The Under Secretary, Government of India,  
Ministry of Finance, Department of Revenue,  
Central Board of Excise & Customs, New Delhi.

... Respondents

Counsel for the Applicant ... Dr. A. Raghu Kumar  
Counsel for the Respondents ... Mrs.K. Rajitha, Sr. CGSC

**CORAM:**

*Hon'ble Mr. B.V. Sudhakar* ... *Member (Admn.)*  
*Hon'ble Mr. Swarup Kumar Mishra* ... *Member (Judl.)*

**ORDER**

*{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}*

The OA is filed against the Memo. No. 3/2/2007-P&P (Vol.II) (Pt), dt. 3.11.2011 of the 3<sup>rd</sup> respondent read with the 1<sup>st</sup> respondent Memo. C. No. II/3/10/2010.CCA.Estt., dated 29.06.2011.

2. Brief facts of the case are that the applicant was selected as Inspector (Central Excise) after having cleared the combined Graduate Level (Main) Examination, 2006, as intimated vide Memo. No. 6/9/2009-SR, dt. 21.05.2009 of the 3<sup>rd</sup> respondent. The 4<sup>th</sup> respondent intimated the applicant that he has been allotted to Chennai Customs Zone (Prevention), Trichy, Tamil Nadu. Consequently, the 1<sup>st</sup> respondent vide letter dated 16.07.2009 directed the applicant to undergo medical examination. The applicant sought time to join on grounds of father's health on different occasions and accordingly, the 1<sup>st</sup> respondent granted time to join the selected post up to 31.01.2011. In the meanwhile, the 4<sup>th</sup> respondent was approached by the applicant vide representation dt. 18.09.2010 to change his allotment to Vizag or Hyderabad Zone. The 1<sup>st</sup> respondent, it is informed by the applicant, has referred the case of the applicant to the 3<sup>rd</sup> respondent for grant of post facto approval for extension of time to join the post. However, the 3<sup>rd</sup> respondent rejected the same and accordingly, the applicant was informed vide letter No. C. No. II/3/10/2010.CCA.Estt., dated 29.06.2011 that the candidature of the applicant for the above said examination stood cancelled besides forfeiture of all his claims for appointment on the basis of the above said examination. Hence, the OA.

3. The contention of the applicant is that he could not join the post in time because of the ill-health of his father and financial problems. The applicant claims that he submitted medical certificates confirming poor health of his

father. The applicant also met with an accident in January 2011 and was admitted in the hospital requiring bed rest from 03.1.2011 to 29.3.2011. Thereafter, he was continuously under treatment up to 24.05.2011. Under these circumstances, he could not join though he was advised by the 1<sup>st</sup> respondent vide letter dt. 18.08.2011 to represent to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents. However, he made another representation dt. 10.07.2011 to the 1<sup>st</sup> respondent and as a result, 3<sup>rd</sup> respondent passed the impugned order dt. 3.11.2011 rejecting his request.

4. The respondents confirm that the applicant was selected as Inspector (Central Excise) vide Officer Memo. dated 21.05.2009. On the request of the applicant he was granted time up to 31.01.2011 by the user department to join the post. On further extension, the office of the Chief Commissioner of Central Excise, Chennai sought the approval of the 3<sup>rd</sup> respondent for extension of time, but it was rejected. Hence, the candidature of the applicant to the post of Inspector of Central Excise was cancelled vide Memo. dt. 29.06.2011 by the Central Excise Department. The respondents claim that as per the DOPT instructions, maximum time up to which an offer of appointment can be kept open is only six months from the date of issue. In the instant case, initially offer was made on 16.04.2010 with a direction to join by 24.05.2010 and maximum period of extension ends by 15.10.2010. However, the applicant sought time up to 31.1.2011 i.e. over and above the six months period. When the matter was taken up with the 3<sup>rd</sup> respondent, it was not agreed to. Hence, action has to be taken as per rules to cancel his candidature to the said post.

5. Heard learned counsel and perused the documents on record.

6. Documents placed before the Tribunal do indicate that the offer of appointment was made on 16.04.2010, but the applicant due to personal reasons

cited in the OA could not join up to 31.01.2011. Though the user department tried to accommodate him by granting leave, the 3<sup>rd</sup> respondent has refused to do so. Hence, the action of cancellation of candidature was brought into effect. The DOPT instructions clearly state that offer of appointment will hold good for six months from the date of offer. In this case, it stands valid up to 15.10.2010. As the applicant could not avail this opportunity, the candidature would obviously get rejected as per rules cited. It may not be proper for this Tribunal to intervene in the matter as the rules are very specific in this regard. Though the user department tried to accommodate him, on his own volition, he could not join and therefore, the case does not merit consideration.

7. In the result, OA is dismissed. No order as to costs.

**(SWARUP KUMAR MISHRA)**  
**MEMBER (JUDL.)**

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

Dated, the 9<sup>th</sup> day of October, 2018

*evr*