

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

MA 3339/2017
OA 3149/2017

Reserved on 26.11.2018
Pronounced on 14.12.2018

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

Asheesh Tomar, Age-29 + years
S/o Jagat Ram,
VPO-Nathupur, District-Sonepat,
Haryana-131029. ... Applicant

(By Advocate: Mr.Sachin Chauhan)

VERSUS

1. Staff Selection Commission,
Through the Chairman,
S.S.C, Block No.12, CGO Complex,
Lodhi Road, New Delhi-3
2. The Regional Director (CR),
Staff Selection Commission,
Govt. of India, 21-23 Lowther Road,
Allahabad-211002. ... Respondents

(By Advocate : Mr. R.K.Sharma)

O R D E R

Hon'ble Mr. S.N.Terdal, Member (J):

Heard Mr. Sachin Chauhan, counsel for applicant and Mr. R.K.Sharma, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

"(i) To quash and set aside the SCN dated 27.05.2013 and order dated 9.5.2014 whereby the candidature of the applicant has been cancelled and to further direct the respondents that the applicant be given appointment as per the selection process conducted by the SSC under Combined Graduate Level Examination (CGL), 2012 with all consequential

benefits including seniority and promotion and pay & allowance.

Or/and

(ii) Any other relief which this Hon'ble court deems fit and proper may also be awarded to the applicant."

3. The relevant facts of the case are that the applicant was a candidate in the Combined Graduate Level Examination, 2012 which was notified in the Employment News dated 24.03.2012. He appeared with the roll number 3011521064. He has cleared the entire selection process of Tier-1 (written Examination- objective type), Tier-II consisting of 2 paper i.e. Paper-1 (Quantitative Abilities) and paper-II (English Language & Comprehension) and he has also appeared for the interview and he has also successfully selected in the interview. Thereafter the applicant successfully completed skill test on 28.12.2012/16.11.2012. But, however, his result was withheld as per the notification dated 30.05.2013 published on the website of respondent-SSC on the basis of regular post examination scrutiny and analysis of performance of the candidates in the objective type multiple choice question papers with the help of expert, who had proven expertise in such scrutiny and analysis and analysis of written examination papers of the applicant and 230 other candidates the respondents collected incontrovertible and reliable evidence to the effect that the applicant had resorted to malpractices/unfair means in the said papers. On the above facts, a show cause notice dated 4.06.2013 was served on the applicant on 04.06.2013. The applicant submitted his explanation. After careful consideration of the explanation given by the applicant, the impugned order dated 09.05.2014 was passed canceling his candidature and also debarring

him from the Commission's examination for a period of three years w.e.f 16.09.2012 i.e. the date of examination of Tier-II paper 1. The applicant has filed the present OA challenging the impugned order dated 09.05.2014. The applicant has filed the present OA with condonation of delay application seeking condonation of delay of 844 days. In the condonation of delay application he has not explained day to day reasons for the delay, except relying on the judgments of High Court and Hon'ble Supreme Court.

4. By filing counter reply, the respondents have raised objection regarding the condonation of delay stating that no day to day reasons at all furnished by the applicant for the condonation of delay or laches on his part. The respondents have relied upon the law laid down by the Hon'ble Supreme Court in the following judgments of the Apex Court and various High Courts:

- (1) **State of Haryana & Ors. Vs. Miss Ajay Walia**
(JT 1997 (6) SC 592).
- (2) **D.C.S.Negi Vs. UOI** (SLP (C) CC No.3709/2011
- (3) Hon'ble High Court Punjab & Haryana at Chandigarh(CWP No. 18360/2016 titled **Surjit Singh Vs. UOI & Ors.**)
- (4) Hon'ble High Court Punjab & Haryana at Chandigarh (CWP No. 16921/2016 titled **Narindra Kumar Vs. UOI & Ors.**)
- (5) Hon'ble High Court Punjab & Haryana at Chandigarh(CWP No. 21993/2015 titled **Narendra Kumar & Ors. Vs. UOI & Ors.** and CWP No.1436/2016 titled **Sanjeev Kumar Vs. UOI & Ors)**
- (6) Hon'ble High Court Punjab & Haryana at Chandigarh (CWP No. 12032/2016 titled **Raman Ahlawat Vs. UOI & Ors.**)

- (7) Hon'ble High Court Punjab & Haryana at Chandigarh (CWP No. 29707/2017 titled **Lakhbir Singh Vs. UOI & Ors.**)
- (8) Hon'ble High Court Punjab & Haryana at Chandigarh (CWP No. 20437/2016 (O&M) titled **Manoj Kumar Vs. UOI & Ors.**)
- (9) Hon'ble High Court Punjab & Haryana at Chandigarh (CWP No. 1540/2018 titled **Rakesh Mann & Ors. Vs. UOI & Ors.**)
- (10) Hon'ble High Court Punjab & Haryana at Chandigarh (LPA No.321/2018 in CWP No. 1540/2018 titled **Rakesh Mann & Ors Vs. UOI & Ors.**)
- (11) Hon'ble High Court of Delhi WP (C) No.3410/2017 titled **Pradeep Kumar Vs. UOI & Ors.**)

5. We have perused the condonation of delay application filed by the applicant. We find that applicant has not given day to day explanation as to why there is delay or laches on his part of 844 days. In view of the law laid down by the Hon'ble Supreme Court and other High Courts referred to above and in view of the facts and circumstances of the case, we are of the opinion that delay need not be condoned in this case.

6. Accordingly MA for condonation of delay is dismissed. Consequently OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(K.N.Shrivastava)
Member (A)

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