CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.2843 of 2018

This the 29th day of January, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Asha Rani d/o Nafe Singh
r/o V.P.O. Busana, The. Gohana,
distt. Sonipat Haryana

....Applicant

(By Advocate : Ms. Neelima Rathore for Mr. U. Srivastava)

VERSUS

1. Govt. NCT Delhi through the Chief Secretary,
Govt. of NCT Delhi, Delhi Secretariat, New Delhi.

2. The Delhi Subordinate Services Selection Board,
Through its Chairman Govt. of NCT of Delhi,
FC-18, Karkardooma, Institutional Area, Delhi-92.

3. The Commissioner, SDMC, Dr. SPM Civic Centre,
Minto Road, JLN Marg, New Delhi.

.....Respondents

(By Advocate : Ms. Harvinder Oberoi for Respondents 1 to 2
and Shri Anuj Kr. Sharma for Respondent No.3)

O R D E R (Oral)

Ms. Nita Chowdhury, Member (A):

Both the parties are present.

2. Counsel for the respondents draws our attention to the Order of this Tribunal dated 29.10.2018 passed by the Coordinate Bench in OA No.394/2018 and other connected cases on similar issues and requested that this OA may also be disposed of in terms of the directions given in the said Order. The same is agreed to by the learned counsel for the applicant.

3. In view of the above position, we dispose of this OA in terms of the observations made by the Coordinate Bench in OA No.394/2018 which are reproduced as under:-

> "4. The applicants felt aggrieved by certain conditions incorporated in the advertisement. While, according to them, the conditions cannot be sustained in law, the respondents plead that they have been incorporated on the basis of the relevant provisions of law as well as the adjudication, that has taken place earlier.
>
> 5. The occasion for us to go deep into the issue at this stage would arise if only the results are declared and applicants or some of them come up to the level/zone of selection. It is only with reference to those candidates, who otherwise stand a chance of being selected, that the further particulars or the legality of their claim, can be decided. Pendency of the OA is prone to be an impediment for the entire selection process.
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> 6. It is brought to our notice that in W.P. (C) No.11474/2018 of Hon'ble Delhi High Court stayed the operation of the order in O.A of this category, a copy of same are formed part of this record. We, therefore, dispose of these OAs directing that:
>
> (a) In case the applicants herein have not appeared in any examination they shall not be entitled to appear on the basis of the interim order passed in the O.A, in view of the order passed by the Delhi High Court in W.P. (C) No.11474/2018.
>
> (b) Wherever, the applicants have already appeared in any examination, the respondents shall proceed to declare results of the examination which was held in pursuance of the impugned notification/advertisement.
>
> (c) the interim order passed in these OAs, shall not be construed as conferring eligibility upon them, but the same shall be decided by the respondents separately.
>
> (d) in case the applicants or any of them are found to be in the zone of selection, the respondents shall inform such of them through a notice as to how they are not eligible to participate in the selection process, duly indicating the reasons.

(e) the applicants shall be entitled to submit their explanation/representation putting forward their grievance, within 15 days from the date of receipt of such communication.

(f) further steps shall be taken by the respondents as regards the applicants only after the Hon'ble Court decides the issue and shall pass a reasoned order, on the basis of the notice and reply, if any.

(g) the verification as indicated shall be undertaken a long with the results in the examination.

It shall be open to the applicants to approach the Tribunal if their grievance subsists. There shall be no order as to costs."

4. In view of the above position, this OA stands disposed of. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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