

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.2984 of 2016

This the 15th day of February, 2018

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

Nizir Hussain
S/o Sh. Mnazir Hussain,
R/o E-II Block, H. NO.950,
Gali No16, Nehru Vihar, Delhi.

.....Applicant
(By Advocate : Shri Ajesh Luthra)

VERSUS

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
A- Wing, 5th Floor, Delhi Secretariat, I.P. Estate,
New Delhi.
2. Delhi Subordinate Services Selection Board (DSSSB)
Through its Secretary,
FC-18, Karkardooma Institutional Area,
Delhi-92.
3. Delhi Jal Board,
Through its Chief Executive Officer,
Varunalaya Ph-II, Jhandewalan,
Karol Bagh, New Delhi-110005.

.....Respondents
(By Advocate : Ms. Esha Mazumdar)

ORDER (Oral)

Ms. Nita Chowdhury, Member (A):

By filing this OA, the applicant is seeking the following
reliefs:-

- “a. Hold and declare that the applicant has been wrongly disqualified in the skill test/typing test towards the post of Lower Division Clerk (Post Code 48/12) and

- b. Direct the respondents to further consider and appoint the applicant to the post of LDC (Post Code 48/12)
- c. Accord all consequential benefits.
- d. Award costs of the proceedings; and
- e. Pass any order/relief/direction(s) as this Hon'ble Tribunal may deem fit and proper in the interests of justice in favour of the applicant.”

2. Since, the main contention of the applicant in this case is that he had been wrongly declared as disqualified in the skill test/typing test for the post of Lower Division Clerk (Post Code 48/12), this Tribunal vide order dated 21.12.2018 directed the respondents to bring the relevant record for perusal of this Tribunal and this Tribunal on 14.2.2019 perused the relevant records and observed as under:-

“Proxy counsel for applicant appears and seeks accommodation. In the meantime, learned counsel for respondents informs that complying with the orders of the court, they have brought the original copy of the answer script, which is the typing test undergone by the applicant. Perusal of the original record shows that besides the name and roll numbers, it corresponds word to word with what has been stated by the applicant in this OA. Hence, the said contention of the applicant that copy received by him in RTI is not what/as he had answered, is found to be incorrect.

Matter shall remain on board and applicant is given last opportunity to address the Court.

It is made clear that no further opportunity shall be given in view of the examination by the Bench of the factual matrix stated in this case...”

3. Today when this matter is taken up for hearing, this Court also apprised the main counsel for the applicant about

the factual position of this matter, as we have perused the records of the case, which the respondents produced upon our direction, especially the examination copy of the applicant and it was found to be exactly the same as provided to the applicant under RTI. As such the main contention of the applicant that he was wrongly declared as disqualified is not correct.

4. Counsel for the applicant submitted that there is no signature of the applicant on the examination copy of the applicant as provided to him under RTI Act but this fact is found to be not correct as we see that there is signature of the applicant on the original examination perforated copy of the applicant, which is kept with the original of the examination copy.

5. In view of the above factual position of this case, this Court does not find any illegality in the action of the respondents and accordingly the present OA is dismissed. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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