

**Central Administrative Tribunal  
Principal Bench  
New Delhi**

**OA No.215/2019  
MA No.238/2019**

This the 18<sup>th</sup> day of January, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Pradeep Kumar, Member (A)**

Majid Khan (aged 40 years)  
S/o late Mohd. Yousuf Khan,  
R/o Uttersoo Tehsil Shangas,  
District Anantnag,  
J&K-192201. ... Applicant

( By Mr. Yogendra Kumar Tyagi, Advocate )

Versus

1. Chairman,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi.
2. Secretary,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi.
3. Under Secretary,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi.
4. Secretary,  
Department of Personnel and Training,  
Ministry of Personnel, Public Grievances & Pension,  
Government of India, North Block,  
New Delhi. ... Respondents

( By Mr. R. V. Sinha for Respondents 1 to 3; Mr. Kumar Onkareshwar for Respondent No.4, Advocates )

## **O R D E R**

**Justice L. Narasimha Reddy, Chairman :**

**MA No.238/2019**

This application is filed with a prayer to condone the delay of 1678 days in filing the OA. The brief facts of the case are as under.

2. The applicant wanted to participate in the Civil Services Examination of the year 2010. However, his application was rejected by the Union Public Service Commission (UPSC), the first respondent herein, on the ground that he had crossed the prescribed age limit. A communication to this effect was issued on 06.05.2010. Thereafter the applicant got issued a notice through an Advocate on 10.12.2010, requiring the UPSC to conduct a special examination for him, or to permit him to appear in a subsequent examination. In the alternative, a sum of Rs.25 lakhs was claimed as compensation.

3. On receipt of the notice, the first respondent addressed a letter dated 13.01.2011 informing the Advocate who issued the notice that the relevant particulars were not mentioned, and requested him to furnish the particulars under six counts. The applicant now filed the OA challenging the

communications dated 06.05.2010 and 13.01.2011. He has also prayed for compensation of Rs.4 crores with interest at the rate of 24% from the date of the impugned order. Since there is delay of about five years, he filed this application for condonation thereof.

4. We heard Shri Yogendra Kumar Tyagi, learned counsel for the applicant, and Shri R. V. Sinha and Shri Kumar Onkareshwar, learned counsel for the respondents.

5. The communication dated 06.05.2010 issued to the applicant reads as under:

“I am directed to invite your attention to the provisions contained in the Commission’s Notice for the above mentioned examination published in the employment News dated 02/01/2010 and to say that your application for the said examination has been rejected for the following reason(s):-

Over age according to prescribed age limits.

Please note that no further correspondence in the matter will be entertained under any circumstances by this office.”

6. In case the applicant was of the view that he was not over aged, he was expected to place the relevant material, or to cite the relevant provision, soon after he received the communication. He did not do that, and instead got issued a

notice through an Advocate. A perusal of the notice also discloses that except pleading some circumstances prevailing in the State of Jammu & Kashmir, no provision of law was cited that enables the applicant to get the benefit of relaxation of age. The first respondent issued a reply dated 13.01.2011 stating that the notice is bereft of many relevant particulars, and requested the Advocate to furnish the particulars to enable them to consider the matter further. There is nothing on record to disclose that the applicant has taken any further steps. The only development that has taken place in between was that the applicant addressed a letter on 19.03.2015 to the UPSC. That hardly constitutes any basis to condone the delay.

7. Enormous delay of 1678 days, that too, in a matter pertaining to the Civil Services Examination, cannot be condoned, even if the most liberal approach is to be adopted. We, therefore, dismiss the MA.

8. As a result, the OA shall also stand dismissed. There shall be no order as to costs.

**( Pradeep Kumar )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

/as/