

**Central Administrative Tribunal
Principal Bench**

**OA No.2033/2019
MA No.2203/2019**

New Delhi, this the 15th day of July, 2019

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

Ganatra Komal Pravinbhai,
Aged about 38 years, Group 'A',
Working under AFHQ Civil Service,
D/o Shri Pravin Bhai Ganatra,
R/o Komal Vila, Opp. Magiya Street,
Hapani St. Savarkundla,
Distt. Amreli-364515
Gujarat
Presently Posted AFHQ Defence Delhi.

...Applicant

(By Advocate : Shri S.K. Rungta, Sr. Advocate assisted by
Shri Prashant Singh.

Versus

1. Union of India,
Through Secretary,
M/o Personnel, P.G. & Pensions,
North Block, New Delhi.
2. Union Public Service Commission,
Through Chairman,
Dholpur House,
Shahjahan Road,
New Delhi-110003.
3. Secretary,
Ministry of Corporate Affairs,
Room No.537, 5th Floor, A-Wing,
Shastri Bhawan,
Rajendra Prasad Road,
New Delhi-110001.

...Respondents

(By Advocate : Shri N.D. Kaushik and
Shri R.V. Sinha)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant was selected in the Civil Services Examination (for short, CSE), conducted by the UPSC in the year 2015 against visually impaired category. However, since more meritorious candidates were available, she was not selected for the Service of her choice. The applicant submitted a representation on 28.01.2018, stating that candidature of two candidates were cancelled and she being the immediate next candidate in the list, is eligible to be considered against the same. Reference is made to an order passed by the Hon'ble Supreme Court in SLP No.14899/2009. Her grievance is that no action has been taken thereon.

2. We heard Mr. S.K. Rungta, learned Senior Advocate assisted by Shri Prashant Singh, learned counsel for applicant and Shri N.D. Kaushik and Shri R.V. Sinha, learned counsel for respondents.

3. The applicant, no doubt, was considered to the selection undertaken by the UPSC for the concerned year. However, she felt that in view of the subsequent

development, there exists possibility of her being selected against the vacancy year 2015.

4. The question as to whether the candidature of two persons who were selected to ICLS under the visually handicapped category is cancelled and if so, the effect thereof on any other candidate, needs to be examined by the respondents. We cannot express any opinion at this stage. It also needs to be examined whether the panel has lapsed or it is possible to operate the same, in view of the orders passed by any Court of law.

5. Therefore, we dispose of the OA, directing the respondents, to pass orders on the representation dated 28.01.2018, submitted by the applicant, within a period of two months, from the date of receipt of a certified copy of this order. We make it clear that consideration shall not be detrimental to rights of any persons, unless they are given opportunity to explain.

Pending MAs, if any, stand disposed.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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