

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 403/2014

New Delhi this the 03rd day of October, 2019

Hon'ble Sh. A K Bishnoi, Member (A)
Hon'ble Sh. R.N. Singh, Member (J)

Anurag Singh Tomar
S/o Shri Virendra Singh Tomar
R/o House No. 20/08, Ground Floor
Indira Vikas Colony
Delhi-110009

... Applicant

(By Advocate : Sh. M.K. Bhardwaj)

Versus

1. Staff Selection Commission
Through its
Chairman
Government of India,
Department of Personnel & Training
Ministry of Personnel, Public Grievances &
Pension,
Block No.12, CGO,
Complex, Lodhi Road, New Delhi

2. Regional Director (NR),
Staff Selection Commission
Block No.12, CGO
Complex, Lodhi Road, New Delhi-0110504

3. Under Secretary
Staff Selection Commission
Block No. 12, CGO
Complex, Lodhi Road,
New Delhi-110504

...Respondents

(By Advocate : Sh. S.M. Arif with Sh. S.M. Atif with Ms.
Shabnam Perween)

ORDER (ORAL)

Hon'ble Sh. R.N. Singh, Member (J)

The present OA has been filed by the applicant seeking the following reliefs :-

“a) Issue, Order or directions to the respondents directing them to move further with the applicant case and conduct the skill test as per the requirement of the non-interview post and issue the joining letter.

b) Pass any other or further order(s), which this Hon'ble Tribunal deems, fit and proper, under the facts and circumstances of the case and in the interest of justice.”

2. The brief facts of the case are that in pursuance of the advertisement/notice issued by the respondent No.1 for the Combined Graduate Level Examination 2011 dated 19.03.2011, the applicant applied and he participated for the non-interview post of Tax Assistant for Combined Graduate Level Examination 2011. He secured minimum cut off marks for being considered for the post of Tax Assistant. However, he had not been selected and appointed to such post.

3. In response to notice issued from this Tribunal, respondents have filed reply and have specifically stated that in the relevant advertisement itself it is notified that all detailed instructions are available on the web site of the Commission. They have further stated that all the candidates including the applicant, qualified in the written examination for non-interview post i.e. Tax Assistant were called for Data Entry Skill Test and the applicant was also called for such skill test. The instructions to this

effect were available on the web site of the Commission as well as individual letter issued to such candidates including the applicant by “Speed Post” (Annexure CA-I) However, the applicant did not come forward to participate in the said skill test.

4. Sh. S.M. Arif, learned counsel for the respondents submits that the notification was issued in the year 2011 and the applicant was required to participate in the aforesaid skill test and documents verification in December, 2011. However, neither he participated in the skill test nor came forward for documents verification and, in such circumstances, the present OA in the year 2014 i.e. three years past of the skill test and documents verification is not sustainable in law. He further submits that none without qualifying the skill test or without participating in document verification or lower in merit than the applicant for the relevant post has been selected or appointed by the respondents. In view of such facts and circumstances, the OA be dismissed being devoid of merits and barred by limitation.

5. Learned counsel for the applicant submits that the applicant did not receive any letter for participating in the skill test and documents verification. However, there is no dispute that the necessary information in this regard was available on the web site of the Commission. The applicant does not dispute that he did not come forward for documents verification though there is a dispute that the letter sent through Speed Post asking him to participate in the skill test, was received by him. It is also not the case of the applicant that anyone who has not participated in

the requisite skill test or not participated in documents verification has been considered for appointment by the respondents.

6. In view of the facts and circumstances of the case, we find that the OA deserves to be dismissed and it is accordingly dismissed.

7. No order as to costs.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

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