

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/01077/2019
Chandigarh, this the 17th day of October, 2019

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

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1. Dilprit Singh, aged 42 years, son of Sh. Swaranjit Singh, Senior SSA, Employees Provident Fund Organization (EPFO), Regional Office, SCO 4-7, Sector 17-D, Chandigarh, R/o House No. 669, Sector 4, Mundi Kharar, Kharar, D- Mohali, Punjab (Group C Post) – 160017.
2. Rajesh Lamba, aged 41 years, son of Sh. Om Parkash Lamba, Social Security Assistant (SSA), EPOFO, SCO 4-7, Sector 17-D, Chandigarh, R/o # 77 EPF Enclave, Sector 30 A, Chandigarh (Group C Post)- 160017

....Applicants

(Present: Mr. Madhav Pokhrel, Advocate)

Versus

1. Union of India, Ministry of Labour & Employment through its Secretary, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.
2. Central Board of Trustees (CBT) through Central Provident Fund Commissioner, employees Provident Fund Organization, Head Office Bhavishya Nidhi Bhawan No. 14, Bhikaji Kama Palace, new Delhi – 110066.
3. Regional Provident Fund Commissioner-I, employees Provident Organization, Regional Office, Chandigarh, SCO No. 4-7, Sector 17-D, Chandigarh – 160017.

..... Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No.060/01660/2019 is allowed and the applicants are allowed to join together to file this O.A.
2. Applicants have challenged the notification dated 12.07.2017 (Annexure A-6) whereby the respondents have decided to conduct

Limited Departmental Competitive Examination (LDCE) for the post of Enforcement Officer.

3. Heard.

4. Learned counsel submitted that earlier the respondents had issued notification dated 20.04.2017 (Annexure A-4) whereby they have notified 370 posts for filling up the vacancies up to 31.03.2017, which they curtailed to 173 vide revised notification dated 12.07.2017 (Annexure A-6) on the basis of vacancy position as on 26.12.2016. He argues that the respondents, without giving any reason, cannot change their mind to take the vacancy position as on 31.03.2017 to 26.12.2016 thereby curtailing the number of posts to be filled up.

5. Learned counsel very fairly submitted that the applicants applied for the said examination pursuant to advertisement dated 12.07.2017 (Annexure A-6) but could not succeed, and thereafter they have filed this O.A.

6. We have gone through the pleadings on record and are of the view that once the applicants applied and appeared in an examination, accepting all the things advertised in the notification, then they are not allowed to challenge that notification subsequently if they could not get through. As such, the O.A. is barred by the principle of estoppel. Reliance in this regard can be placed on **MARRIPATI NAGARAJA VS. THE GOVT. OF A.P.** (2007) 11 SCR 506 and **DHANANJAY MALIK ETC. VS. STATE OF UTTARANCHAL ETC.** (2008) 4 SCC 171. Thus, the case has no merit.

7. Accordingly, the O.A. and M.A. No. 060/01661/2019 for condonation of delay are dismissed being devoid of any merit, in limine.

(NITA CHOWDHURY)
MEMBER (A)

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(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 17.10.2019

