
(2019) 04 CAT CK 0083

In the Central Administrative Tribunal

Case No : Original Application No. No. 971 Of 2019

Namonarayan Meena

APPELLANT

Vs

GNCT Of Delhi And Ors

RESPONDENT

Date of Decision : 09-04-2019

Acts Referred:

Citation : (2019) 04 CAT CK 0083

Hon'ble Judges : Nita Chowdhury, Member (A), S.N. Terdal, J

Bench : Division Bench

Advocate : Ajesh Luthra

Final Decision : Dismissed

Judgement

Nita Chowdhury, Member (A)

1. Heard learned counsel for the applicant at the admission stage itself.
2. By filing the present OA, the applicant is seeking the following reliefs:-
 - "a) Direct the respondents to allow the applicant to submit his documents for document verification and accept the same and
 - b) Direct the respondents to further consider and appoint the applicant to the post of PGT (Geography) (Male) (Post Code 118/17)
 - c) Accord all consequential benefits including monetary and seniority benefits.
 - d) Award costs of the proceedings; and
 - e) Pass any other order/direction which this Hon'ble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case."
3. Counsel for the applicant submitted that in similar cases in OA No.4042/2017 and OA No.659/2018, the shortlisted candidates who could not upload their e-dossier in DSSSB website were later allowed to do so, but the applicant was not

allowed to do the same. However, we find that in those cases, it has been clearly recorded in the said cases that in the peculiar facts of those cases, the respondents were directed to accept the documents of the applicants therein in hardcopy. But in this case in hand, we find that first application given by the applicant regarding non-submission of e-dossier towards PGT (Geography) wherein the applicant has stated as follows:-

"It is humbly submitted that my name is Namanarayan Meena s/o Shiv Charan Meena has been selected in PGT Geography (Male) - Post Code - 118/17. The result was declared on 20 Dec 2018 and the last date of submit e-dossier was 31/12/2018 which I could not submit my e-dossier due to family problems. Therefore, I may kindly be given an opportunity to include me in the process."

4. From the above application, it is evidently clear that applicant has himself admitted that though the last date for uploading of e-dossier was 20.12.2018 and the said application for delay/non uploading of e-dossier was moved by him on 15.2.2019, i.e., much after expiry of the last date and after period of one and a half months. Hence, the only reason given in the said application is that documents in e-dossier could not be uploaded due to family problem.

5. It is only in the subsequent communication dated 26. 2.2019 that the applicant stated that ?..as I was not communicated aforesaid notice either through mail or SMS as given. However, as soon as I got to know the same, I immediately submitted my documents through speed post

6. This is clearly contradictory to what had been submitted on 15.2.2019 as quoted above.

7. Hence, this case cannot be called a case based on similar facts as in OA No.4042/2017 and OA No.659/2018. In fact, the facts of the present case are clearly different and in view of the factual position given in this case, we do not find any ground now to direct the respondents to accept e- dossier well after the last date of uploading the same has elapsed. It is also relevant to mention that first application which was submitted by the applicant was after expiry of one and a half months after the last date for uploading e-dossier.

8. It is pertinent to mention that there were thousands of applicants who applied and cleared the examination and the only reason for putting a final date for uploading the e-dossier was that the selection can be completed in time. It will not be according to the principle of natural justice to give any applicant any leniency for not following the rules without any adequate reason(s).

9. In view of the above facts and circumstances and for the reasons given above, we do not find any adequate reason given by the applicant for not uploading e-dossier in the website of the respondents within the stipulated time. Hence, this OA is dismissed in limine.